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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Assistance to refugees, returnees and displaced persons in Africa

Report of the Secretary-General**

Summary

The present report is submitted in compliance with General Assembly resolution 63/149 on assistance to refugees, returnees and displaced persons in Africa. It covers the period 1 January 2008 to 15 June 2009 and updates the information contained in the report of the Secretary-General submitted to the sixty-third session of the Assembly (A/63/321). The current report has been coordinated by the Office of the United Nations High Commissioner for Refugees and draws on information received from the Office for the Coordination of Humanitarian Affairs, the Office of the High Commissioner for Human Rights, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Population Fund, the World Food Programme, the World Health Organization, and the Representative of the Secretary-General on the human rights of internally displaced persons.

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I. Introduction

1. Peace and security remained fragile in a significant part of Africa.[1] This made the delivery of protection and assistance challenging and frequently dangerous, yet vital to meeting the needs of millions of people fleeing insecurity, political unrest and persecution. The increased severity of natural hazards and the fuel and food crises compounded the situation for affected displaced populations already struggling to survive, and strained the budgets of United Nations agencies.

2. In Africa, the number of refugees continued to decline for the eighth consecutive year. By the end of 2008, there were 2.1 million refugees, compared to more than 3.4 million in 2000. The refugee population decreased by 7 per cent between the start and end of 2008, primarily due to a number of successful voluntary return operations. Local integration and resettlement in a third country also offered many African refugees a durable solution. Nevertheless, nearly 98 per cent of refugees in Africa have been in exile for more than five years,[2] trapped in protracted situations.

3. With respect to internal displacement, at the end of 2008,[3] an estimated 11.6 million people were displaced by conflict in Africa, including some 2 million newly displaced during the year. This represents almost half of the world's conflict-generated internally displaced persons (IDPs). In addition, many millions of people were displaced by natural disasters.

4. The year 2008 marked the tenth anniversary of the publication of the Guiding Principles on Internal Displacement. The Guiding Principles have become a key reference for the development of normative frameworks for the protection of IDPs in domestic legislation and policy, notably in Africa, where most progress has been made. African States have also made a groundbreaking step in terms of the development of regional standards, with the formulation of the African Union Convention on the Protection of and Assistance to Internally Displaced Persons in Africa. The Convention will be up for adoption by Heads of State and Government during the African Union special summit on refugees, returnees and internally displaced persons in October 2009.

5. Fighting and insecurity restricted humanitarian access in many parts of Africa and hindered the delivery of protection and assistance. Despite mitigation measures, security risks persisted, with beneficiaries and United Nations staff members and partners being injured, abducted or killed. Not only was the direct delivery of aid impossible in certain areas, but reduced access also presented serious challenges to

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[1] In the present report, Africa refers to sub-Saharan Africa.

[2] According to the Office of the United Nations High Commissioner for Refugees, the definition of a protracted refugee situation is a group of 25,000 or more refugees who have been living in exile in a developing country for over five years. Some 70 per cent of refugees living in sub-Saharan Africa meet this definition. However, taking into consideration only the time aspect of the definition (i.e., five years or more), leaving aside the criteria of location, and reducing the minimum size of the group to 1,000 people, almost 98 per cent of the refugees in Africa today are in a protracted situation.

[3] Statistics on refugees, asylum-seekers and returnees usually refer to numbers compiled by UNHCR at 1 January 2009, unless specified otherwise. Statistics on internally displaced people are estimates provided by the Internal Displacement Monitoring Centre's *Global Overview of Trends and Developments in 2008*, as well as estimates collated by the Office for the Coordination of Humanitarian Affairs. Statistics are provisional and can be subject to change.

the negotiation of the modalities of delivering aid in others. Reduced access also meant limited presence by the international community in regions where human rights violations were committed, hampering efforts to achieve protection by presence.

6. African countries obtained the bulk of international funding for humanitarian emergencies and operations. Between January 2008 and the end of May 2009, just over $6.6 billion was received for humanitarian activities in Africa, in response to 26 inter-agency appeals of the United Nations and partners from non-governmental organizations (NGOs). The majority of those appeals were for activities benefiting the displaced.[4] The Central Emergency Response Fund helped bring about a more predictable response to emergencies, including grants for emergencies in 37 African countries, totalling $351 million. This accounted for 57 per cent of global disbursements of the Central Emergency Response Fund. Rapid response grants, including for projects in response to the food crisis, totalled $214 million. Underfunded emergencies received $138 million. The largest recipient operations were the Democratic Republic of the Congo (15.4 per cent), Ethiopia (11.7 per cent), Kenya (10 per cent), the Sudan (9.4 per cent) and Zimbabwe (8.4 per cent).

II. Regional overviews

A. East Africa and the Horn of Africa

7. Recurrent droughts, floods, conflict, insecurity and violence, as well as soaring food prices were the main challenges in the region. While tens of thousands of people returned home, mostly to poor areas without infrastructure, many more were newly displaced.

The Sudan

8. The Sudan is the focus of the largest humanitarian operation in Africa, benefiting refugees and asylum-seekers from Eritrea, Ethiopia and Somalia in the east and in Khartoum; returning IDPs and refugees, as well as newly displaced people in the south; and nearly 2.7 million IDPs, together with refugees from Chad and the Central African Republic, in Darfur. With 419,000 nationals living as refugees or asylum-seekers elsewhere, the Sudan is also the second largest refugee-producing country of the continent. It is estimated that a total of 4.9 million Sudanese are internally displaced.

9. In Darfur, the already difficult humanitarian situation was exacerbated by the expulsion of 13 international NGOs and the suspension of three national NGOs by the Sudanese Government. Violence directed at humanitarian workers and assets continued, restricting humanitarian access. The absence of a political agreement between the Government and the different rebel movements undermined the ability of the joint United Nations-African Union Mission to provide security to affected populations. In addition, bureaucratic obstacles and restrictions on humanitarian movements, despite renewed commitment to the joint communiqué on the facilitation of humanitarian assistance in Darfur, limited the delivery of relief and recovery assistance.

[4] Displaced people include IDPs, refugees and asylum-seekers.

10. In 2008, the Office of the United Nations High Commissioner for Refugees (UNHCR) helped nearly 68,000 refugees and some 5,000 IDPs to return to their homes in Southern Sudan. Many more were displaced, however, as a result of attacks by the Ugandan Lord's Resistance Army (LRA) and intercommunal fighting. The ongoing violence led to insecure passages and reduced agricultural activity. Addressing the lack of security, establishing rule of law and local governance, and facilitating reconciliation and local integration are essential for the creation of a supportive environment for returnees and residents alike.

11. Eastern Sudan is home to the oldest protracted refugee situation in Africa, dating back some 40 years. In 2008, nearly 20,000 new asylum-seekers from Eritrea, Ethiopia and Somalia were registered in the Shagarab refugee status determination centre. With sustained attention from UNHCR, water, sanitation and health services in the 12 active camps in the east have been improved to accommodate the new arrivals.

Somalia

12. Somalia is the largest refugee-producing country in Africa, with 561,000 refugees and asylum-seekers abroad. The number of IDPs remained largely unchanged in 2008, at approximately 1.3 million people. These statistics, however, conceal the fact that many people have been displaced several times. While tens of thousands of IDPs returned home in the first four months of 2009, recent fighting in Mogadishu has more than reversed those returns. The main cause of displacement has been the insecurity resulting from the ongoing conflict, a dearth of livelihood opportunities, drought and insufficient humanitarian assistance. According to estimates of the World Health Organization (WHO), the number of people in need of aid increased by 77 per cent during 2008.

13. Violence and insecurity reduced the presence of humanitarian organizations on the ground, forcing them to scale down their operations. Over 1,800 security incidents directed at humanitarian workers and assets were reported in 2008; 34 aid workers were killed and 32 were abducted. At the time of writing, 16 humanitarian staff remained in captivity, their whereabouts unknown. In May 2009, militias raided the United Nations Children's Fund (UNICEF) compound in Jowhar, destroying vaccines and therapeutic food supplies to prevent and treat acute malnutrition. As a result, 135,000 malnourished children will not receive the medication and therapeutic food they need. Some 840,000 women and more than 1.2 million children under the age of five will not benefit from immunization.

14. As more than 90 per cent of all World Food Programme (WFP) food for Somalia is delivered by sea, naval escorts for ships carrying food and other humanitarian supplies remained crucial to withstand the threat of piracy. While 2008 saw a new record in the number of piracy incidents, none of the ships carrying WFP food was affected thanks to naval escorts.

15. Although delivering aid in Somalia is difficult, the needs are enormous and the mobilization of resources is vital. The consolidated appeal for Somalia, which seeks $983 million, was only 35 per cent funded at the end of the reporting period, with a significant funding imbalance between food (42 per cent funded) and the non-food sectors (26 per cent funded). Several sectors remain extremely poorly funded, including education (7 per cent) and health (2 per cent). At the time of writing, the shelter and security sectors had not received any funding.

Ethiopia

16. Nearly 17,000 newly arrived refugees, mostly from Eritrea and Somalia, were registered, while some 10,000 Sudanese refugees repatriated during 2008. A multi-year, inter-agency initiative to rehabilitate the environment in the former refugee-hosting areas was launched in western Ethiopia.

17. An estimated 200,000 to 300,000 people are internally displaced in Ethiopia. Reliable data based on profiling and assessments are not available, as access to the areas concerned is restricted. The lack of such information has also made it difficult to devise long-term solutions for this population.

18. The termination of the mandate of the United Nations Mission in Ethiopia and Eritrea and the Independent Boundary Commission, charged with the demarcation of the disputed border, led to renewed tension in the northern region. There is also concern about the potential implications of the new Ethiopian law on the registration and regulation of charities and societies, adopted in January 2009. The law, which will become operational in 2010, bars international organizations from working on issues such as human rights and peace and reconciliation, which are essential to address the root causes of conflict-related displacement in the country.

Kenya

19. The post-election violence that broke out in December 2007 caused extensive internal displacement in Kenya. While by the end of 2008 some 346,000 people had returned home, an estimated 404,000 were still displaced. The Inter-Agency Standing Committee adopted the cluster approach in Kenya to help ensure a well-coordinated humanitarian response.

20. Despite the closure of the border between Somalia and Kenya, some 62,000 Somali asylum-seekers made their way across the border in 2008, bringing the total number of Somali refugees in Kenya to 260,000. The movement continued in 2009 and, as a result, the Dadaab camps have become seriously overcrowded, straining infrastructure and basic services and creating tensions among the host community. Plans to set up additional camps to absorb the new arrivals have been delayed, pending the allocation of land for this purpose by the Kenyan authorities. The expansion of the camps must proceed in tandem with the development of additional projects, including livelihood and environmental rehabilitation, in order to improve the living conditions for the refugees and the host communities. The strategy also includes the voluntary relocation of part of the refugee population from Dadaab to Kakuma.

Uganda

21. The majority of the nearly 2 million internally displaced people in northern Uganda have left the IDP camps in which they lived. Sixty-five per cent returned to their villages of origin and 15 per cent are living in transit centres. The rest of the IDPs who remain in the camps — still a substantial number — are extremely vulnerable and need continued humanitarian assistance. Following a visit to the region, the Representative of the Secretary-General on the human rights of internally displaced persons has made it clear that IDPs should have a free choice as to return, local integration or settlement elsewhere. He also continues to highlight that concerted efforts are required to help the most vulnerable reintegrate into their

communities of origin. The lack of water, food, functional health centres and schools in return areas, as well as disputes over land and property, hamper the sustainable return of IDPs. In several returnee areas, UNDP has supported receiving communities under its early-recovery programme, which included local governance, community security and rule of law projects.

22. Between December 2008 and March 2009, the Government of Uganda launched an operation against LRA. While some of the group's infrastructure was damaged, LRA continued activities in an expanded area. This displaced an estimated 255,000 people, including 45,000 refugees from the Democratic Republic of the Congo.

B. Central Africa and the Great Lakes region

23. The political situation remained essentially stable in most countries in the subregion, despite some instances of rioting over price hikes in food and fuel in Cameroon, the Republic of the Congo, Gabon, Rwanda and the United Republic of Tanzania. However, the Central Africa Republic, Chad and the Democratic Republic of the Congo continued to experience turmoil.

Chad

24. Chad is host to some 325,000 refugees, including 12,000 new arrivals from Darfur in the east of the country and some 10,000 more from the Central African Republic in the south of the country, during 2008. The number of IDPs in eastern Chad stood at 166,000. Eastern Chad has a resource-scarce environment. As a result, most refugees and IDPs were entirely dependent on international aid, while host communities also needed support. The security situation remained volatile. The Representative of the Secretary-General on the human rights of internally displaced persons voiced his concern about the grave human rights violations committed against displaced people, including forced recruitment of children by armed groups and sexual and gender-based violence. Armed groups compromised the civilian character of the refugee and IDP camps, while violence and insecurity hampered aid operations and led to the temporary evacuation of humanitarian staff.

25. A European peacekeeping force, the European Union Force Chad/Central African Republic (EUFOR Chad/CAR), began arriving in the region in January 2008. In March, the United Nations Mission in the Central African Republic and Chad (MINURCAT) took over from EUFOR. While its deployment stands currently at only 50 per cent, it is expected that the MINURCAT military forces and the United Nations-trained Chadian Police may nevertheless be able to increase protection for humanitarian convoys, refugees, IDPs and aid workers.

26. During the reporting period, more than 20,000 IDPs have returned to their places of origin in eastern Chad, in spite of the precarious security situation and lack of basic services. It is crucial to strengthen early recovery efforts, including access to justice, livelihoods and basic social services, as well as to increase State presence to make these returns sustainable.

Central African Republic

27. The Government signed peace accords with several rebel groups, ushering in a period of hope. But peace has proven to be unsteady. In spite of returns, more than 122,000 people remained internally displaced. United Nations organizations were gravely concerned about the precarious conditions in which displaced people lived, as well as about the violent acts committed against them with seemingly complete impunity. The absence of a legislative framework was an important obstacle to efforts to address displacement-related problems. An increase in humanitarian actors in conflict areas reduced armed reprisals against the civilian population. The first half of 2009, however, saw a marked deterioration in the security situation in the country, causing people to flee to neighbouring Cameroon, Chad and the Sudan.

Democratic Republic of the Congo

28. Conflict in the Kivu Provinces and incursions by LRA into the north-eastern part of the Democratic Republic of the Congo have caused massive population displacement. Targeted attacks against civilians and the high prevalence of sexual violence, recruitment of child soldiers and summary executions by armed groups have caused a significant deterioration in the humanitarian situation. Since August 2008, an escalation in fighting in North Kivu followed by joint Congolese-Rwandan military operations, directly affected more than a quarter of a million people. As of May 2009, an estimated total of 1.64 million people were internally displaced. The humanitarian situation is dire, with IDPs lacking food, potable water, shelter and basic hygiene and health-care services. Humanitarian access is limited due to repeated attacks on convoys, aid workers and infrastructure.

29. Despite these challenges, United Nations organizations endeavoured to deliver assistance and improve protection. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) forces were deployed and community watch systems were set up to ensure the civilian character of IDP camps. UNICEF and the United Nations Population Fund (UNFPA) supported programmes to prevent and respond to gender-based violence, offering psychosocial, legal and medical assistance to affected women and girls. In the east, the health cluster mobilized 37 humanitarian organizations to reactivate and re-equip some 1,400 health facilities, with the support of almost 5,000 national health staff and community workers.

30. Elsewhere in the Democratic Republic of the Congo, the situation remained stable. In Equateur, Katanga and the southern part of South Kivu, refugees and IDPs continued to return. Even in these relatively more peaceful and secure provinces, however, access to food, shelter and basic services was limited, hampering the sustainable reintegration of returnees.

United Republic of Tanzania

31. Some 113,700 refugees in the United Republic of Tanzania found a durable solution in 2008: 110,000 repatriated voluntarily, mostly to Burundi and the Democratic Republic of the Congo; more than 3,200 were resettled to third countries; and 490 Somalis were granted Tanzanian citizenship. The Tanzania Comprehensive Solutions Strategy continued to move forward, with the Tanzanian authorities processing the naturalization applications of some 158,200 Burundi refugees from the 1972 influx. Former refugee-hosting communities began to

receive support through the United Nations Delivering as One initiative programme Transition from Humanitarian Assistance to Sustainable Development in North West Tanzania. Two camps were closed and infrastructure handed over for school and health centre use by the local communities. Despite the progress made, more than 320,000 refugees remain in Tanzania. As refugees in camps are not allowed to work, they are almost entirely dependent on humanitarian assistance.

C. Southern Africa

32. In Zimbabwe, election-related violence, continuing political uncertainty, a rapidly deteriorating economic situation, hyperinflation and the near total collapse of basic social services posed enormous challenges for the population and, to an even greater extent, for the large number of displaced people in the country. The formation of an inclusive Government in February 2009 gave rise to cautious optimism. Humanitarian organizations were able to provide limited legal and medical assistance, as well as food and non-food items, to various affected communities. Zimbabwean authorities are planning, together with humanitarian agencies, a pilot needs assessment of the displaced population.

33. Large numbers of Zimbabweans left for South Africa, where many registered as asylum-seekers, allowing them to legalize their stay and seek work. Many more remained undocumented and without legal status. Worldwide, South Africa was the main destination for new asylum-seekers in 2008, registering 207,000 individual claims, more than half of which were made by Zimbabweans. By comparison, the next largest recipient of individual asylum claims was the United States of America, with 49,600.

34. In May 2008, an outburst of xenophobic violence in South Africa killed more than 60 people, including nationals, refugees and asylum-seekers. According to United Nations estimates, over 46,000 refugees and asylum-seekers were displaced and accommodated in more than 80 temporary sites. Most were able to return to their host communities by the end of 2008. Nonetheless, the violence and destruction caused a major setback to the self-reliance efforts of many refugees and asylum-seekers, who lost their livelihoods in the attacks.

D. West Africa

35. Although security remained fragile in Côte d'Ivoire, Guinea and Guinea-Bissau, peace prevailed in most West African countries. Hundreds of thousands of refugees and IDPs have returned to their places of origin. Most of the remaining refugees have been in exile for a protracted period, with the majority living in urban areas. The Economic Community of West African States (ECOWAS) free movement protocols provided a framework for the work and residence rights of refugees. An increased receptivity by some West African countries to local integration and a greater emphasis on livelihood activities helped many refugees find a durable solution. More involvement by development actors is required to help refugees and IDPs settle on a sustainable basis.

36. Successful presidential elections in Sierra Leone were another milestone in the stabilization and recovery of the country, leading UNHCR to invoke the "ceased circumstances" cessation clause for Sierra Leonean refugees at the end of 2008. In

Côte d'Ivoire, there are still more than 621,000 IDPs living in areas where access by humanitarian organizations was hindered often by the lack of security.

III. Humanitarian response and inter-agency cooperation

A. United Nations reform

The cluster approach

37. The cluster approach enables the humanitarian community to respond in a more efficient, predictable and accountable manner to the emergency needs of internally displaced people. Several initiatives during the reporting period have strengthened implementation and coordination through the cluster approach, both before and during emergencies. Progress has included the development of operational guidance, joint needs assessments and contingency planning.

38. The cluster approach is now being implemented in 13 African countries: Burundi, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Ethiopia, Guinea, Kenya, Liberia, Somalia, the Sudan, Uganda and Zimbabwe. The focus and success of the approach depend largely on the nature of the emergency and the political situation in the country. In Kenya, the cluster approach was used successfully to respond to the humanitarian emergency caused by post-election violence in late 2007, and it is being maintained to address continuing humanitarian needs and as a contingency measure. In the Sudan, following the March 2009 expulsion of 13 international and 3 national NGOs, the humanitarian community is seeking through the cluster approach to address gaps in capacity and response caused by the expulsions.

39. Uganda is now in transition and the improving security situation has led to the return of many IDPs, and a shift in focus from humanitarian aid to recovery and development. Cluster leads in Uganda are working with the Government to ensure that activities are sustained by relevant government departments, with international support. Continued donor support and international presence during the transition period is key to ensuring sustainability.

Delivering as One

40. In Africa, the Delivering as One initiative is being tested in four countries: Cape Verde, Mozambique, Rwanda and the United Republic of Tanzania. Together with the Governments concerned, the United Nations country teams are working towards greater coherence, capitalizing on the strengths and comparable advantages of the different organizations involved. In the United Republic of Tanzania, for example, the United Nations Development Assistance Framework 2007-2010 sets out how the 17 United Nations agencies in the country plan to achieve their objectives, in line with the Government's national strategies for growth and poverty reduction. The Framework includes assistance to refugees and host communities, so that they may benefit from United Nations development activities.

Integrated missions

41. In the 26 June 2008 meeting of his Policy Committee, the Secretary-General reaffirmed integration "as the guiding principle for all conflict and post-conflict

situations where the United Nations has a country team and a multidimensional peacekeeping operation or political mission/office". In Africa, efforts to increase integration have been made in Burundi, the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, Somalia, the Sudan and Uganda. Most of these operations are already coordinating their efforts to maximize the impact of the United Nations on the consolidation of peace in these countries.

United Nations peacebuilding architecture

42. In Africa, the Peacebuilding Commission has four countries on its agenda: Burundi, the Central African Republic, Guinea-Bissau and Sierra Leone. Together with national and international actors the Commission has assisted these countries to develop peacebuilding strategies. Additional funding has been sought through the Peacebuilding Fund to provide critical support during the early stages of a peace process. Five other African countries — Comoros, Côte d'Ivoire, Guinea, Kenya and Liberia — have also benefited from the Peacebuilding Fund. While it is too early to assess the full impact of the United Nations peacebuilding architecture, preliminary indications suggest that the support provided has contributed positively to peace consolidation.

43. The scale of return and the success of reintegration are two of the most tangible indicators of progress in any peacebuilding process. During the reporting period, land and property disputes, the lack of mechanisms to address them, and the lack of follow-up on the reintegration of ex-combatants, remained particular obstacles to return. Adequately addressing these issues requires close collaboration within the United Nations.

B. Promotion of international protection principles

44. Africa has traditionally been a strong supporter of the international protection of refugees: 43 African States are party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Most African States are also party to the Convention of the Organization of African Unity governing the specific aspects of refugee problems in Africa. Nevertheless, a number of countries have made reservations to the 1951 Convention, in particular to provisions related to freedom of movement and access to education and employment. Encampment policies in many countries have resulted in refugees becoming totally dependent on humanitarian assistance. The forced return of refugees by a few countries also gave reason for concern during the reporting period.

Strengthening of national refugee protection

45. UNHCR assisted States to meet their international obligations to protect refugees, in particular by increasing Governments' capacity to conduct refugee status determination and registration. The organization's standard registration software is now being used in 32 countries. Government officials all over the continent continued to receive training on how to conduct refugee status determination and other aspects of protection. For example, more than 100 people were trained in South Africa to enable the registration of many asylum-seekers who arrived there during the reporting period. Significant progress towards strengthening the national protection framework was achieved in Gambia, Kenya and Liberia. In

Burundi, a new asylum law entered into force and the country's first asylum office was created.

Mixed migration

46. Mixed migration movements in Africa do not only involve mixed migration flows out of Africa, such as the dangerous movements of people across the Gulf of Aden or the Mediterranean. They also include movements within the continent, including people moving from Central and West Africa to North Africa, and from the Horn of Africa, the Great Lakes region and Zimbabwe to South Africa.

47. Growing numbers of young people, notably Eritrean, Ethiopian and Somali men, are moving onwards from their first country of asylum. Their motivations may include family reunification, education and access to economic opportunities. The scarcity of economic opportunities in many countries hosting refugees and IDPs is a significant impetus to onward movement.

48. Together with UNHCR, the Mixed Migration Task Force for Somalia, which also includes the International Organization for Migration (IOM), the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the Danish and Norwegian Refugee Councils, organized a regional conference in Yemen. The conference, which also included participation of Governments from the region, the African Union, and representatives of civil society, helped identify current problems and possible responses to help better protect people in mixed migratory movements.

49. In a similar initiative to strengthen responses to the challenges posed by mixed migration flows in West Africa, UNHCR, IOM, ECOWAS and OHCHR, together with the Government of Senegal, convened a regional conference on refugee protection and international migration in Dakar. The three strategic protection objectives emphasized at the conference were: (a) implementing the ECOWAS free movement protocols, including the promotion of the local integration of residual refugee populations from West Africa; (b) enhancing government capacities to identify and protect refugees in mixed flows through fair and efficient asylum procedures; and (c) improving regional responses to human trafficking.

Promotion of the human rights of IDPs and operational responses

50. In October 2008, a ministerial conference was organized in Oslo, to commemorate the tenth anniversary of the Guiding Principles on Internal Displacement. Participants emphasized that renewed political and financial commitment is required to ensure the full protection of IDPs. States were encouraged to develop or strengthen policies, including: (a) measures to prevent displacement; (b) mitigation procedures to be activated once displacement has occurred; and (c) a durable solutions framework. The Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons, which includes a legal obligation for signatories to incorporate the Guiding Principles into domestic law, was referred to as a regional example. Another protocol that is relevant to the protection of displaced people and their search for durable solutions is the Protocol on the Property Rights of Returning Persons. Both are part of the Pact on Security, Stability and Development in the Great Lakes Region, which entered into force in June 2008.

51. The African Union is expected to adopt a convention on the protection of and assistance to IDPs in Africa, in October 2009. This convention, which would be the first of its kind worldwide, would be legally binding. Regional initiatives like these are expected to facilitate the adoption of national laws and policies benefiting IDPs.

52. The Representative of the Secretary-General on the human rights of internally displaced persons provided technical support to several African countries that are in the process of developing national legislation or policies on IDPs. Together with a group of international legal experts, the Representative prepared *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*.[5] This manual gives practical guidance on how to develop national law and policies based on the Guiding Principles on Internal Displacement.

53. During the reporting period, the inter-agency Protection Standby Capacity Project (ProCap), coordinated by the Office for the Coordination of Humanitarian Affairs, deployed 11 additional senior protection officers in Africa to various United Nations agencies, mainly in conflict-related IDP situations. They provided expertise in the planning, coordination and implementation of the protection response in Burundi, Chad, the Central African Republic, the Democratic Republic of the Congo, Kenya and Zimbabwe. At the regional level, ProCap also assisted a workshop on the implementation of the Protocol on Protection and Assistance to internally displaced persons in the Great Lakes Region.

Statelessness

54. Statelessness undermines human security and can be a cause of displacement. Relatively few States on the continent are part of the two relevant United Nations treaties: 11 African States are party to the 1954 Convention relating to the Status of Stateless Persons and seven to the 1961 Convention on the Reduction of Statelessness. The African Charter on the Rights and Welfare of the Child, which has been ratified by the majority of countries, contains safeguards to prevent statelessness at birth. Nonetheless, a number of States have yet to take steps to implement these treaties.

55. Pursuant to its mandate to prevent and reduce statelessness and to protect stateless people, UNHCR continued to identify stateless populations, as well as populations at risk of becoming stateless in Africa. Together with partners, UNHCR carried out a survey to identify the people who lack identity documents in Côte d'Ivoire. Efforts were also made to raise awareness of the problem in Kenya.

Registration and documentation

56. Early registration and effective registration mechanisms are key for ensuring displaced people's access to protection and assistance, enabling them to claim and enjoy basic rights.

57. In Côte d'Ivoire, the registration of displaced people remained a priority for accessing protection, assistance and solutions. Registration enabled some 6,000 people to be documented, even while the lack of registrations at birth remains a big challenge. In eastern Sudan, a verification/registration exercise was completed

[5] Published by the Brookings-Bern Project on Internal Displacement, Brookings Institution (October 2008).

in 12 refugee camps, as part of the search for durable solutions to this protracted situation.

58. Children who are not registered at birth are at increased risk of being excluded from legal and social services and even of becoming stateless. Forced displacement compounds the vulnerability of these children. In 2006, an estimated 19.5 million children born in Africa had not had their births registered. As a result, UNICEF and partners, including international financial institutions, are working to increase birth registration. In the Sudan, where birth registration is almost non-existent in conflict-affected areas, a pilot birth registration initiative was started in 2008 to tackle the problem. In Togo, an initiative in late 2008 allowed for the regularization of the situation of nearly 1,000 refugee children who had been left out of an earlier census.

Security of people of concern

59. Ensuring the physical safety of people of concern in often highly insecure environments remained a challenge during the reporting period. Two particular protection problems faced by displaced people in Africa were rape and sexual violence against women and girls, as well as the forced recruitment of children into armed forces or groups. Ongoing violence forced many people to flee for a second or even third time, notably in eastern Chad, the Central African Republic, the Democratic Republic of the Congo, Ethiopia, Somalia and the Sudan. Unexploded ordnance and other lethal remnants of war continued to kill and maim adults and children, even years after conflicts ended.

60. The Security Council has sought to improve the protection of refugees and IDPs by mandating peacekeeping missions to protect camps and sites from armed attacks and to maintain their civilian character. International and regional peacekeepers were deployed by the Security Council in six countries: the Central African Republic, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia and the Sudan. While not all these operations had a specific mandate to protect displaced people, they were involved in efforts to restore security, which also benefited displaced people and returnees.

Prevention of and response to sexual and gender-based violence

61. Sexual and gender-based violence is one of the defining characteristics of contemporary armed conflict. Hundreds of thousands of women and girls have been subjected to this particular form of violence, which is often aimed at destroying the social fabric of a community. According to a recent study of the Office for the Coordination of Humanitarian Affairs, in the Central African Republic 15 per cent of the women and girls living in the crisis zones have been subjected to sexual violence, with new cases of rape being reported each week. In Burundi, WHO has reported that 9 per cent of returnee women who responded to a survey on sexual violence had been sexually abused. This type of violence is often higher in refugee and IDP camps. UNHCR and many other United Nations agencies working in Africa have taken steps to prevent and counter sexual and gender-based violence, including by setting up referral systems to ensure an adequate response to help survivors.

62. In the Democratic Republic of the Congo, UNFPA, UNICEF, UNHCR and OHCHR supported a comprehensive programme to provide victims with medical and psychosocial assistance. The programme also seeks to end the impunity of perpetrators by strengthening prosecutions and the rule of law. UNFPA distributed

life-saving post-rape treatment kits in Cameroon, the Central African Republic, the Democratic Republic of the Congo, Liberia and the Sudan. In Somalia, UNICEF has helped set up a confidential caseworker referral system for women and children.

63. In several countries, the United Nations sought to engage men and boys in the struggle against sexual and gender-based violence. Special workshops, training and awareness campaigns were organized to emphasize the positive role men and boys could play in preventing and countering sexual and gender-based violence.

Protection of women and children

64. The protection of women and girls needs to be directly linked to the reinforcement of their capacity to enjoy their rights both as individuals and as part of a community. Displaced people, in particular women and girls, frequently find themselves without the most basic items to meet their personal hygiene needs. This affects not only their well-being, but also impedes their access to social services, such as education and food distribution. In Uganda, the Maka Pads project was developed to produce sanitary napkins using natural local materials. The project not only meets the needs of many refugee women in Uganda, but also provides an employment opportunity for them.

65. In the Dadaab refugee camps in Kenya, UNHCR and the International Olympic Committee launched a project to raise awareness of female genital mutilation. An estimated 97 per cent of the refugee girls below the age of eight in the camps have been subjected to this practice. The project aimed at improving the community's understanding of the harmful consequences of female genital mutilation by sensitizing teachers, coaches and girls through sports. It also included outreach activates in primary schools and collaboration with local radio stations.

C. Delivery of assistance and special needs

Food

66. The global food crisis has affected millions of people in Africa, a situation that is being compounded by the world economic crisis. At a meeting of the United Nations High-Level Task Force on the Global Food Security Crisis in March 2008, WFP agreed to give priority to vulnerable people, including refugees, returnees and IDPs, in its programmes. In Africa in 2008, WFP provided food assistance to 1.6 million refugees (53 per cent of whom were women or girls); 750,000 returnees (63 per cent women or girls) and some 6.1 million IDPs (55 per cent women or girls).

67. Together with other United Nations agencies, WFP carried out assessment missions and nutrition surveys in Burundi, Chad, Ethiopia, Gambia, Kenya, Mozambique, Namibia, Rwanda, Uganda and the United Republic of Tanzania to ensure targeted food assistance.

68. In 2008, UNHCR scaled up efforts to counter malnutrition and micronutrient deficiencies in several protracted refugee situations in Ethiopia, Kenya and eastern Sudan. This included measures to reduce anaemia, particularly for pregnant and breastfeeding women. In Cameroon, therapeutic feeding centres contributed to a significant reduction in malnutrition rates among refugees and host communities. The prevalence of acute malnutrition was also reduced in Chad, Ethiopia, Kenya and

eastern Sudan, although the indicators of malnutrition for these countries are still above the minimum standard of less than 5 per cent of the population in stable operations.

Health and HIV/AIDS

69. Malaria is one of the main causes of illness and death among displaced people in Africa. Refugee camps are especially prone to malaria epidemics when hosting people from non-endemic areas who have no immunity. New funding resources are being used to supply artemisinin-based combination therapy to replace old ineffective drugs, as well as long-lasting insecticide-treated nets, which are now recommended by WHO.

70. According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), there are 22 million people living with HIV in Africa. Through the strengthening of national health capacities, United Nations organizations worked towards making testing and treatment available to refugees, IDPs and host communities. Currently, 16 African countries have included refugees in their national HIV and AIDS programmes. HIV prevention, care and treatment projects ensured that displaced people and returnees could benefit from a range of services, including access to national anti-retroviral drug programmes.

71. Mass displacement exacerbated the risk of other communicable diseases and the overcrowded conditions in some of the camps made people vulnerable to diseases that, without adequate treatment, could be life threatening. In Chad, the Central African Republic, the Democratic Republic of the Congo, Somalia and the Sudanese region of Darfur, WHO and partners worked to reduce morbidity and mortality rates among the displaced populations, through the construction of health clinics, the provision of medicines, training and awareness programmes.

72. In Darfur, WHO continued to support a hospital programme to ensure free secondary health care for conflict-affected people. WHO offered drugs, training, and equipment and covered a percentage of the running costs. In 2008, the programme assisted 16 hospitals, representing 64 per cent of the Ministry of Health's hospitals in Darfur. Some 80 per cent of the displaced or conflict-affected people were in reach of these hospitals.

Education

73. Providing access to basic education is essential, even during an emergency. The Inter-Agency Network for Education in Emergencies, comprising several United Nations and non-governmental organizations, established guidelines and tools to ensure that education is included in emergency response. Education provides children with a routine and a purpose, both of which help them deal with the trauma of displacement. Moreover, safe school environments reduce the risk of children being recruited into armed groups or otherwise exploited.

74. In eastern Chad, 6,000 refugee children have been attending preschool classes and some 12,000 IDP children have been enrolled. UNICEF assisted some 76,000 refugee and IDP children at the pre- and primary school ages, using learning materials and activities. Girls' attendance in primary schools increased significantly during the reporting period, reaching nearly 50 per cent of enrolled pupils. In

Mogadishu, UNICEF set up almost 500 tented classrooms, benefiting some 35,000 schoolchildren, many of whom had been displaced by conflict or flooding.

75. While the main focus has been on providing access to primary, and to a much lesser extent secondary, education, the Albert Einstein German Academic Refugee Initiative Fund offers scholarships to refugees to study at the tertiary level in their host countries. In 2008, the number of African refugees benefiting from the Fund scholarships increased by 52 per cent compared to the year before, benefiting over 1,000 refugee students. Additional efforts are required to increase the number of girls taking part in this programme.

Livelihood opportunities

76. Creating livelihood opportunities is crucial to reducing displaced people's dependency on humanitarian aid, and to maintain their sense of dignity and purpose. In 2008, UNHCR and its partners made special efforts to increase livelihood opportunities for refugees in protracted situations in both rural and urban settings, for whom no immediate durable solution was in sight. Comprehensive livelihood strategies for self-reliance, based on needs assessments, were developed in Kenya, eastern Sudan and Zimbabwe. Efforts to increase livelihood opportunities for displaced people included facilitating access to loan and savings mechanisms, grant assistance during emergencies, training and education, and employment support services.

D. Ending forced displacement

77. Securing sustainable solutions for refugees and IDPs is vital to long-term recovery and stability in the region. The number of refugees and IDPs declined in Africa largely as a result of the consolidation of peace and stability in areas of origin, allowing returns to take place. The generosity of States in offering local integration and resettlement also played an important role.

78. In 2008, some 288,000 refugees returned home, mostly in the Great Lakes and Central Africa regions. Reliable data on the number of IDPs who found a durable solution is not available. Many people returned to areas devastated by decades of conflict and neglect, or to places where there is nothing to rehabilitate and where building needs to start from scratch. In some areas, the lack of social services, in particular schools and health centres, was an impediment for people to return or to sustain returns.

79. With the end of massive repatriation and large-scale resettlement in West Africa, the search for other durable solutions for refugees intensified. Necessarily these focused on local integration, emphasizing utilization of the regional free movement protocols.

E. Partnerships with non-United Nations entities

80. Partnerships with national and international NGOs, as well as regional organizations, have been crucial for the United Nations to respond more coherently and effectively to the many challenges of the period under review. This has been

especially true in responding to situations of new internal displacement, the protection of people in mixed migratory movements and post-conflict recovery.

81. Active engagement with regional and subregional organizations has helped achieve results in the areas of policy development, the reinforcement of local and national capacities, and durable solutions. Cooperation with the African Union focused on the development of the Convention on the Protection of and Assistance to Internally Displaced Persons in Africa, as well as on the preparations of the African Union Special Summit. To help ensure that refugees are as entitled as other citizens in their communities, ECOWAS member States adopted a memorandum on the equality of treatment of refugees and other ECOWAS citizens.

IV. Conclusion

82. While consolidation of peace processes across the continent allowed many refugees and IDPs to find a durable solution, a number of obstacles still need to be overcome to make these solutions truly sustainable. The lack of basic services, in particular education and health, as well as livelihood opportunities in return areas, may deter refugees and IDPs from going back home. The pressure that returns often place on scarce resources, combined with land and property restitution problems, have the ability to derail fragile peace processes.

83. Governments, national and international humanitarian and development organizations and civil society need collectively to promote environments capable of sustaining return or integration. Special attention has to be paid to access, without discrimination, to basic public services, legal and personal documentation, and livelihood opportunities. Mechanisms to deal with land and property restitution also need to be put in place, as without them disputes over these issues will represent a major stumbling block to the reintegration of returnees and the recovery of post-conflict areas. The needs of host populations should also be taken into account when devising a return programme. The recently established peacebuilding architecture has contributed positively to peace consolidation, and similar efforts should be explored in other situations.

V. Recommendations

84. **In line with international and regional instruments, States should respect the principle of the non-refoulement of refugees and ensure the proper reception and timely registration of refugees.**

85. **Given that two out of three refugees depend on international aid, host countries must be encouraged, and supported in their efforts, to create environments that enable refugees to become self-reliant. This may include the withdrawal of reservations on refugee rights set out in the 1951 Convention and 1967 Protocol.**

86. **African States have led the world in developing a binding regional convention for the protection of internally displaced people. United Nations organizations must continue to support these efforts.**

87. The lack of recovery programmes when humanitarian assistance is being phased out puts the sustainability of durable solutions at risk. Humanitarian and development organizations and institutions need to better synchronize their activities to avoid a transition gap. Likewise, donor States should consider investing more in early recovery efforts.

88. States that have not yet done so should consider acceding to the Convention relating to the Status of Stateless Persons and to the Convention on the Reduction of Statelessness. States should also be encouraged to work with UNHCR and other organizations, as appropriate, to identify stateless populations on their territory and to review domestic legislation, with a view to eliminating gaps that can give rise to or perpetuate statelessness.

89. State and non-State parties to conflict and international and regional mediators should work towards addressing the root causes of all forms of displacement in Africa in a resolute manner, with greater attention to the links between the prevention of displacement, durable solutions and sustainable peace processes. Refugees and IDPs should be integrated in post-conflict transition schemes, development plans and poverty reduction strategies.

90. State and non-State parties to conflict should facilitate access by humanitarian organizations to affected civilian populations and ensure the security of humanitarian workers, so that protection and assistance can be provided safely, even during ongoing hostilities. Humanitarian organizations should tailor their security arrangements to address the different patterns of violence affecting staff, facilities and assets.

91. All African States are encouraged to ratify and enforce the Convention on the Safety of United Nations and Associated Personnel.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations

International cooperation on humanitarian assistance in the field of natural disasters, from relief to development

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 63/141 of 10 March 2009, in which the Assembly requested the Secretary-General to continue to improve the international response to natural disasters and to report thereon to the General Assembly at its sixty-fourth session. The report provides an overview of the occurrence of disasters associated with natural hazards and the humanitarian response to them and highlights emerging trends, their implications for humanitarian action and the key challenges that need to be addressed. It covers the period from 1 January 2008 to 31 May 2009.

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I. Introduction

1. The present report has been prepared in response to General Assembly resolution 63/141. It provides an overview of the occurrence of disasters associated with natural hazards and the humanitarian response to them and highlights emerging trends, their implications for humanitarian action and key challenges. It concludes with a number of recommendations. The report covers the period from 1 January 2008 to 31 May 2009.

II. Overview of trends and emerging challenges[1]

2. During the calendar year 2008, the Centre for Research on the Epidemiology of Disasters recorded 354 disasters associated with natural hazards, which were responsible for 235,264 deaths and affected approximately 214 million people. The number of disasters in 2008 was below the 2000-2007 average of 397 disasters per year. The number of deaths, however, was approximately three times higher than the 2000-2007 average, owing to two major events: Cyclone Nargis, which killed 138,366 people in Myanmar, and the Sichuan earthquake in China, which killed 87,476 people.

3. The number of recorded disasters has doubled from an average of 200 to 400 per year over the past 20 years. This trend can be partly attributed to better reporting, but it also reflects changes in the patterns of natural hazards, specifically climate-related hazards, and in human settlement and vulnerability.

4. Floods were the most common type of disaster recorded in 2008 (166 recorded events), followed by storms (112 recorded events) and earthquakes (23 events). Climate-related hazards caused 91 per cent of disasters in 2008, consistent with the trend of increasing climate-related disasters in recent years. On average, some 70 per cent of disasters are now climate-related, compared with 50 per cent two decades ago.

5. Asia was again the region most affected by disasters associated with natural hazards. Forty per cent of recorded disasters, 99 per cent of disaster-related deaths and 62 per cent of economic losses occurred in Asia. Nine of the ten countries with the most disaster-related deaths in 2008 were in Asia. China, Indonesia, the Philippines and the United States of America reported the largest number of natural disasters.

6. In 2008, disasters associated with natural hazards caused $190 billion in economic losses, more than double the 2000-2007 annual average and mainly attributable to the Sichuan earthquake in China ($85 billion) and Hurricane Ike in the United States ($30 billion). Despite high absolute financial losses in the United States and Europe, the relative economic impact of disasters was greatest in low- and middle-income countries.

[1] Aggregated data presented in section II relate to the calendar year 2008. Data and observations in subsequent sections relate to the reporting period 1 June 2008 to 31 May 2009. Details of disasters occurring between 1 January and 31 May 2008, including Cyclone Nargis in Myanmar and the Sichuan earthquake, are available in last year's report (A/63/277).

7. According to the *Global Assessment Report on Disaster Risk Reduction*, published in May 2009, by the United Nations International Strategy for Disaster Reduction, global disaster risk is increasing and is highly concentrated in poorer countries with weaker governance. The exposure of people and assets to natural hazards is growing at a faster rate than risk-reducing capacities are being strengthened, leading to increasing disaster risk, particularly in low- and low-middle income countries experiencing rapid economic growth. The report finds that weather-related disaster risk is expanding rapidly in terms of the territories affected, the losses reported and the frequency of events. Underlying risk drivers such as poor urban governance, vulnerable rural livelihoods and ecosystem decline underpin the rapid expansion of weather-related disaster risk. The report notes that climate change is already changing the geographic distribution, frequency and intensity of weather-related hazards and threatens to undermine the ability of poorer countries and communities to absorb loss and recover from disaster impacts. This combination of increasing hazard and decreasing resilience makes climate change a global driver of disaster risk. The report also notes that resources and actions for disaster risk reduction are not reaching the most vulnerable local communities, a finding also reported by the Global Network of Civil Society Organisations for Disaster Reduction.

8. Rapid urbanization is exacerbating the vulnerability of urban dwellers, particularly the urban poor, to the impacts of disasters and climate change. More than 50 per cent of the world's population currently lives in urban areas and this figure is expected to rise to 60 per cent, or nearly 5 billion people, by 2030. Of this urban population, nearly 635 million people live in at-risk coastal areas. Poverty among urban populations further heightens their vulnerability. Natural disasters and the effects of climate change in urban areas affect the entire population of a country, owing to the dependence on urban economies as engines of national economic growth and to the effects of disasters on governance and, therefore, political stability. Because of their importance to nations as a whole, urban disaster responses require early recovery strategies implemented from the initial stage of relief operations. In March 2009, the Inter-Agency Standing Committee — the primary mechanism for inter-agency coordination, policy development and decision-making relating to humanitarian assistance — established the Task Force on Humanitarian Action and Human Rights, the mandate of which is to develop a strategy to address the humanitarian consequences of urbanization.

9. While poor populations generally suffer the greatest losses during and after natural disasters, the effects of disasters also exacerbate existing gender inequalities and reinforce the disparity between women and men in terms of their vulnerability to disasters and a changing climate and their ability to cope with them. The majority of those who die as a result of natural disasters are women. Women often have less access to essential resources for disaster preparedness, mitigation and rehabilitation. In poor communities that are highly dependent on local natural resources for their livelihood, the responsibilities of women in the family make them more vulnerable to environmental change, which can be exacerbated by the effects of climate change. The contribution of women to disaster risk reduction has also been underestimated. Due to their traditional roles and relevant knowledge of the environment, the participation of women in decision-making is invaluable in developing disaster risk reduction strategies. The International Conference on Gender and Disaster Risk

Reduction, held in 2009 in Beijing, resulted in an increased understanding of the link between gender and disaster risk reduction.

10. Pre-existing vulnerabilities and patterns of discrimination are often exacerbated in post-disaster situations, as illustrated through a reported increase in human rights violations in disaster contexts. These violations include: gender-based violence (including sexual violence); violations of housing, land and property rights and personal documentation and status rights; discrimination in access to assistance and its distribution; and violations of the right to education and the right to access work and livelihoods in the aftermath of a disaster.

11. Globally, natural disasters are the greatest cause of internal displacement. Securing lasting, sustainable solutions for internally displaced persons in post-disaster situations is essential, whether those solutions involve return home, local integration or relocation. Lasting, durable solutions cannot be achieved unless certain prerequisites are met, including: a safe and secure environment; access to basic services; effective mechanisms to enable repair and rebuilding of damaged or destroyed housing and infrastructure or, when this is not possible, for compensation; and equal access to livelihood opportunities and public services.

III. Year in review (1 June 2008-31 May 2009)

A. Climate-related hazard events

1. Africa

12. The effects of natural hazards have continued to contribute to the complex humanitarian situation in the Horn of Africa. Recurrent drought jeopardizes the livelihoods of millions of people in rural and urban communities. Rainfall from October to December was below average across the region and almost non-existent in some parts of Ethiopia, Kenya and Somalia. In other regions, torrential rains caused severe flooding and destroyed crops. In August, more than 40,000 people were displaced by floods in southern Sudan. In October and November, severe flooding and landslides in Kenya affected an estimated 300,000 people. The effects of continued drought and repeated floods have progressively eroded livelihoods and community coping mechanisms across the region.

13. In West Africa, flooding from July to September 2008 affected more than 300,000 people in Benin, Burkina Faso, Cameroon, Ghana, Mali, Niger, Senegal and Togo, and caused widespread damage to crops and vital infrastructure. Seasonal rains also caused damage in Guinea-Bissau, Liberia and Sierra Leone.

14. During early 2009, flooding affected many areas of southern Africa, including southern and central Angola, northern Namibia, most of Zambia, south-western Madagascar, northern Mozambique, northern and southern Malawi and northern Botswana. In Namibia, the flooding caused 92 deaths and affected approximately 750,000 people, including an estimated 54,000 displaced. The effects of the flooding persisted over several weeks and were exacerbated by high levels of vulnerability and the ongoing recovery from flooding in 2008. In March 2009, a flash appeal for $2.7 million was launched. The number of affected and displaced populations continued to rise, however, and the appeal was revised upward to $7.1 million in July 2009 on the basis of further assessments.

2. Asia and Oceania

15. Well-below normal rainfall and winter snowfall across most of Afghanistan during late 2007 and early 2008, leading to the worst drought conditions in the past 10 years. As a result, Afghanistan only harvested two thirds of its food requirement in 2008. In addition, it was among the first countries to feel the impact of the food price crisis. These factors significantly heightened food insecurity across the country. In response, the United Nations, the Government of Afghanistan and their non-governmental organization partners launched an emergency food and drought appeal for $404 million to cover the period from July 2008 to July 2009. As at May 2009, the appeal had raised $201 million (50 per cent of the requested amount). The winter season of 2009 was relatively mild and did not cause an emergency of the scale seen during the winter of 2008. From April to May 2009, severe floods in the northern, north-eastern and western regions of Afghanistan affected over 13,000 households.

16. Launched in January, the 2009 Humanitarian Action Plan for Afghanistan presents project proposals for a total of $604 million and aims to meet the immediate needs and build the resilience of those made most vulnerable by natural disasters, lack of access to basic social services, increasing food insecurity, the ongoing armed conflict and the worsening security situation.

17. Unusually heavy monsoon rains in 2008 caused severe flooding in Bangladesh, India, Nepal and Pakistan, killing more than 1,500 and forcing several million from their homes across all four countries. In Nepal, the flooding of the Koshi River in August 2008 affected an estimated 70,000 people. The river subsequently changed course, causing massive flooding in downstream Bihar State in India (where the river is known as the Kosi) and displacing some 3 million people. Separately in India, flooding killed more than 1,000 and affected 2.3 million people in Uttar Pradesh; more than a million people were affected by floods in Assam and more than half a million people were displaced by flooding in Orissa. In central and northern Bangladesh, more than 975,000 people were affected by flooding in August and September. In Pakistan, flooding in September affected more than 200,000, mainly in North-West Frontier Province and neighbouring areas near the border with Afghanistan. In September, heavy rains caused floods and landslides in western regions of Nepal, displacing more than 180,000 people. Nepal also suffered one of the worst droughts on record during the winter of 2008-2009, which affected 1.5 million people. In November 2008, flooding affected over 300,000 people in northern Sri Lanka.

18. The Syrian Arab Republic is experiencing its worst drought in 40 years. Over 1 million people, predominantly herders and subsistence farmers, have suffered directly from the severe effects of the drought on their food security and livelihoods. In September 2008, five agencies of the United Nations launched an appeal for $20 million, of which $4 million was funded (19 per cent of the requested amount). In October 2008, floods and heavy rains affected eastern Yemen, resulting in one of the most serious disasters in the country in recent decades. At least 90 people were killed and 25,000 people displaced. A flash appeal for $11 million was launched, for which $5.1 million was raised (44 per cent of the requested amount).

19. In Indonesia, torrential rains between September and December 2008 caused numerous cases of flash flooding and landslides. At least 31,500 people were temporarily displaced. In December 2008, a combination of high tides and tropical

depressions caused unusually high seas, which affected the low-lying islands and coastal regions of Papua New Guinea. At its peak, an estimated 75,000 people were directly affected by the flooding. In January 2009, heavy rains caused severe flooding in the Northern, Central and Western Divisions of Fiji.

3. Americas

20. The 2008 Atlantic hurricane season was extremely active, with 16 named tropical storms, including eight hurricanes. It was also one of the most devastating, causing a huge number of casualties (855 direct casualties) and widespread destruction in the Caribbean, Central America and the United States.

21. In August and September 2008, four successive hurricanes and tropical storms hit Haiti, affecting more than 800,000 people and causing economic losses estimated at 15 per cent of gross domestic product. According to Government figures, the hurricanes and tropical storms Fay, Gustav, Hanna and Ike caused 793 deaths and injured 548 people. A flash appeal was launched for $127 million to undertake humanitarian and some early recovery activities within a six-month period. The appeal raised $69 million (55 per cent of the requested amount).

22. Between 16 August and 10 September, Cuba was hit by two tropical storms and two hurricanes, Ike and Gustav. The combined devastation resulting from these storms caused seven deaths and $10 billion in economic losses. More than 444,000 houses were damaged, leaving about 200,000 people homeless and hundreds of thousands more in badly damaged homes.

23. Honduras and Guatemala experienced an intense rainy season in 2008. In October, Honduras was affected by heavy rainfall, which caused flooding in 17 of the country's 18 departments. The flooding and related landslides killed 33 people and affected over 300,000. Crops and public infrastructure were also destroyed. A flash appeal was issued for $17 million, of which $6 million was funded. In Guatemala, floods killed three people and affected a further 180,000. In November 2008, Panama experienced flooding and landslides in many parts of the country, which caused 10 fatalities, affected 24,000 people and damaged or destroyed 3,300 homes. In late 2008, widespread flooding and landslides in Colombia affected more than 700,000 people.

B. Geological hazard events

24. On 5 October 2008, an earthquake measuring 6.6 on the Richter scale struck southern Kyrgyzstan, affecting approximately 1,200 people and killing 75. On 29 October 2008, an earthquake of magnitude 6.4 struck Balochistan Province in south-western Pakistan, affecting approximately 35,000 people, killing 166 and displacing approximately 7,000. In consultation with national authorities, the humanitarian community developed a response plan seeking a total of $19 million to provide immediate assistance over a period of six months, towards which $12.6 million was contributed. On 8 January 2009, an earthquake in the Alajuela province of Costa Rica claimed the lives of 15 people and displaced a further 3,700.

C. Epidemics

25. During the reporting period, outbreaks of disease continued to cause human suffering, disrupt the social and economic structure and impede development in affected communities. In Zimbabwe, 98,424 suspected cases of cholera, including 4,276 deaths, were reported between 1 August 2008 and 31 May 2009. In December 2008, humanitarian partners decided to launch an operational plan to allow for a predictable and coordinated response to the epidemic, requesting a total amount of $41 million. In Somalia a total of 94,650 cases of diarrhoeal diseases and 1,175 cases of measles were reported during the reporting period.

26. During the reporting period, the highly pathogenic avian influenza H5N1 virus continued to claim lives in several countries, primarily in the Nile River basin and South-East Asia. However, there were fewer reports of outbreaks in animals and infections in humans, and fewer newly affected countries than in the previous two years. The lethality of the virus remained relatively stable at approximately 60 per cent, and there was no evidence of increased transmissibility from person to person.

27. In April 2009, Mexico experienced an outbreak of new influenza A(H1N1), which was subsequently declared a public health emergency of international concern by the World Health Organization. As at 31 May 2009, 62 countries had officially reported over 17,000 cases, including 115 deaths. Since the end of the reporting period, the virus has continued to spread and has affected people in more than 160 countries. Further spread, within affected countries and to new countries, is considered inevitable. Infection continues to cause a mild illness. However, there is concern that the new H1N1 virus could eventually mutate into a more virulent strain and cause a severe pandemic.

D. Environmental hazards

28. During the reporting period, the secondary environmental impacts of natural disasters, such as disaster waste and damage to critical infrastructure, continued to exacerbate humanitarian crises. For example, disaster waste hampered hurricane early recovery efforts in Haiti and other Caribbean islands. The United Nations system continued to work to ensure an effective humanitarian response to environmental emergencies, primarily through early identification and mitigation of potential environmental risks. When requested, specialized assistance was provided to affected countries. Secondary environmental risks are now more frequently identified at the onset of major natural disasters and environment-related concerns are increasingly incorporated as a cross-cutting issue into humanitarian response efforts. Industrialization, urbanization and the effects of climate change are likely to result in an increase in environmental emergencies, particularly in countries with limited capacity to prepare for disasters and respond to them.

E. Humanitarian financing for disasters associated with natural hazards

29. In 2008, donors provided over $1.3 billion for hazard-related disaster responses, according to the United Nations Financial Tracking Service, which

records all reported international humanitarian aid, including in-kind aid and private donations. This contribution represented an increase compared to the $800 million provided in 2007. Donations for hazard-related disaster responses in 2008 constituted approximately 11 per cent of total global humanitarian funding.

30. During the reporting period, the United Nations system and its partner organizations issued six flash appeals for hazard-related disasters, in Haiti, Honduras, Kyrgyzstan, Madagascar, Namibia and Yemen. As at 31 May 2009, a total of $106 million, or 54 per cent of the total requested amount of $194 million, had been raised. This amount includes allocations of $23 million from the Central Emergency Response Fund.

31. During the reporting period, the Central Emergency Response Fund allocated $84.2 million to projects related to natural disasters, roughly one third of the total allocation. This funding was used by humanitarian partners for immediate life-saving activities and interventions to improve access to affected populations. Financial resources from the Fund were used to jump-start humanitarian response to a wide array of crises. For example, through several allocations of rapid response funding, the Fund provided over $9 million to humanitarian actors in Haiti to mitigate the humanitarian crisis caused by the hurricanes. Nearly $7 million was also allocated to the hurricane response in Cuba. The Fund provided $2 million in quick emergency funding for the response to the Balochistan earthquake in Pakistan and $1.5 million each to relief efforts in both Honduras and Guatemala to enable an immediate humanitarian response to flooding in October. The largest single allocation from the Fund during the reporting period was $7.9 million to help prevent the spread of cholera in Zimbabwe.

IV. Key challenges

32. Despite the success of the humanitarian community in decreasing deaths due to disasters over the past 20 years, it is clear that disaster risk is increasing globally. Poor communities in the developing world are the hardest hit by the effects of increased disaster risk. Global challenges, including extreme poverty, the food crisis, the financial crisis, water and energy scarcity, forced displacement and migration, population growth, urbanization and pandemics are increasing the underlying vulnerability of many poor communities, reducing their resilience and making them more likely to require external support if a disaster strikes.

33. Global climate change is increasing hazard intensity and frequency, which amplify disaster risk. The effects of climate change, such as changes in global water availability, will also potentially create new kinds of challenges as countries struggle to adapt to the changing distribution of resources, and secondary effects such as forced displacement, migration and possible conflicts. Effectively addressing acute humanitarian needs that may increasingly result from a combination of multiple and compounding threats, rather than a specific event, will pose a growing challenge in coming years.

34. Humanitarian actors have a critical role to play in the global risk management and risk reduction system. They are already at the forefront of efforts to promote pre-emptive disaster risk reduction, and it is clear that early warning and preparedness systems will need to be further strengthened to cope with increasing global demand and make the most effective use of scarce resources. In addition, the

skills of the humanitarian community in managing traditional and new types of risks remain essential. For many of the world's most vulnerable populations, humanitarian assistance from national or international sources is the only insurance or social safety net available in the face of a major disaster.

35. Humanitarian actors are working to become more efficient and adjust their systems to respond to future challenges. This entails: (a) a shift towards a greater focus on the multi-hazard environment, in particular the risks from climate change; (b) a greater focus on disaster preparedness for an effective response; and (c) efforts to ensure an effective transition from relief to recovery, which reduces long-term dependence on external assistance and reduces future disaster risk. These key challenges are discussed further in subsequent sections of the present report.

36. Within this changing humanitarian landscape, developing national and local capacities for humanitarian action, in terms of emergency preparedness, response and recovery, is increasingly acknowledged as being fundamental to improving the overall delivery of humanitarian assistance. When communities are stronger and nations have improved capacity to address the needs of their populations in emergencies, demand for international assistance falls dramatically. Enhancing capacity at local and national levels must therefore be a priority in order to mitigate risks to populations and to ensure the effectiveness of disaster preparedness, risk reduction and initial response operations.

A. Addressing the implications of climate change in the humanitarian system

37. In its Fourth Assessment Report, endorsed by 194 Member States, the Intergovernmental Panel on Climate Change has confirmed that the geographic distribution, frequency and intensity of natural hazards are already being altered significantly by climate change. Changes are occurring in the amount, intensity and frequency of precipitation and are associated with increases in the extent of areas affected by drought, the number of heavy precipitation events that lead to flooding, and the intensity and duration of some types of tropical storms. These trends are predicted to accelerate. Through its effects on agricultural production and water security, climate change is also expected to lead to increased food insecurity, especially in areas where humanitarian actors work. The effects of climate change on displacement, migration and security are also of significant concern.

38. The effects of climate change will increase demands on the humanitarian system, particularly where vulnerability to disasters is already high. Adapting to these effects will require an integrated, multi-hazard risk management approach and significant scaling up and adjustment of humanitarian systems to ensure that Governments and communities are able to respond to more frequent extreme hazards and to the effects of food insecurity, displacement, migration and potential conflict. This will require an increased focus on prevention and preparedness and on national and local capacity-building, which will help reduce demand for an international response. In particular, there is an urgent need to scale up investment in disaster preparedness in high-risk settings. Early warning systems and vulnerability analyses are of particular importance and humanitarian actors will need to work in much closer partnership with development actors.

39. Climate change-related increases in hazard intensity and frequency are occurring in a world where the number of people affected by disasters has already tripled over the past decade. More than two thirds of the mortality and economic losses caused by internationally reported disasters are associated with climate-related hazards. In 2008, the United Nations humanitarian system issued 12 flash appeals. Ten of these were issued in response to an emergency resulting, at least in part, from extreme weather. In 2007, 14 out of 15 flash appeals were issued in response to extreme weather disasters. Analysis of current hotspots for climate-related hazards shows that they are concentrated in certain areas and that the poor are at a significantly higher risk.

40. An estimated 36 million people were displaced by sudden-onset natural disasters in 2008. Of those, over 20 million were displaced by climate-related disasters. Globally, the total number of newly internally displaced persons due to conflict and violence was approximately 4.6 million during that year. There are no reliable estimates of the magnitude of future population flows as a result of climate change, but the most commonly cited estimates indicate that between 50 and 200 million people may move by 2050, either within their own countries or across borders, on a permanent or temporary basis. Responding to the humanitarian and protection needs of people moving as a result of climate-related events and processes is therefore of particular importance. There is a clear and pressing need to address the remaining gaps in existing legal frameworks, in particular for those forced to cross a border, and in the areas of research and analysis, policy and operational capacity.

41. During the reporting period, humanitarian actors increased efforts to understand and adapt to the effects of climate change on humanitarian operations in three main respects. Firstly, they began to examine how existing operations could be made more effective in the face of increasing demand, determining that this goal could be achieved through better use of climate change science and technological innovations, and by strengthening preparedness and early warning systems. Secondly, they began to integrate protection considerations when looking at how the effects of climate change, particularly increased forced displacement and migration related to climate change, could be managed by existing global legal frameworks and norms. Thirdly, they engaged in the intergovernmental negotiation process towards a new global climate change agreement to replace the Kyoto Protocol when it expires in 2012. The negotiations are expected to culminate in an agreement at the United Nations Climate Change Conference in Copenhagen in December 2009.

42. In June 2008, the Inter-Agency Standing Committee established an informal task force on climate change to support humanitarian organizations in the development of policies and operations at the local, regional and national levels and to provide high-quality inputs into negotiations of a future global climate change agreement. In 2009, the task force organized an initial round of inter-agency consultations at the national and regional levels to identify the humanitarian impacts of climate change and to discuss approaches, best practices and challenges in addressing them. The key needs identified were: (a) to promote wider recognition of the human face of climate change; (b) to improve understanding of climate change and associated humanitarian impacts; (c) to recognize humanitarian action as a key component of climate change adaptation; (d) to scale up and strengthen existing preparedness activities in order to respond to the increasing number and intensity of

sudden- and slow-onset disasters; and (e) to improve linkages and coordinate activities between humanitarian, development and other climate change actors.

43. A new global climate change agreement offers an unprecedented opportunity to improve the global risk management system in highly vulnerable settings. Conversely, developing a parallel system to manage extreme climate events could potentially fragment or cause confusion in the current system, or even divert resources from the existing disaster management mechanisms that support humanitarian operations. During the reporting period, humanitarian actors have advocated a robust climate change adaptation framework that gives priority to the most vulnerable. Through technical submissions to the secretariat of the United Nations Framework Convention on Climate Change and advocacy activities, humanitarian actors have emphasized that a new global climate change adaptation framework should: (a) recognize the necessity of disaster risk reduction strategies and risk management mechanisms as a first line of defence against the effects of climate change and to fast-track action on adaptation; (b) build upon existing strategies and mechanisms for disaster risk reduction and risk management; (c) take account of, and manage, the humanitarian consequences of climate change and protect human security through the systematic reduction of disaster risks and strengthening of emergency preparedness, response and recovery mechanisms at all levels; (d) ensure that substantial and additional human and financial resources are available for disaster risk reduction and risk management and that the criteria for funding are fully consistent with the principles of the Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters; and (e) take account of, and manage, the consequences of forced displacement and migration that may occur in the context of climate change.

B. Strengthening disaster preparedness for an effective response

44. Investing in preparedness lowers the potential economic and human losses that disasters can cause and decreases the time required to mount an effective life-saving response. Investments in preparedness will be particularly important in the context of the increasing frequency and intensity of climate-related hazards. Effective disaster preparedness includes establishing institutional arrangements in advance, maintaining effective early warning, information management and contingency planning systems, and stockpiling equipment and supplies. Strengthening emergency services and standby arrangements, allocating sufficient resources and funding, establishing communications and coordination arrangements and providing training and public education involving women and men equally are also important. Building local and national capacity, as well as fostering regional and international cooperation, are essential for further strengthening preparedness.

45. The experience of hurricanes Gustav and Ike, which hit Cuba in August 2008, provide an example of how effective preparedness measures can protect lives and livelihoods. Gustav was regarded as the most severe hurricane to strike the island in the past 50 years. Ike was less strong but crossed the entire country, prompting authorities to evacuate more than 3 million people to shelters or higher ground. As a result of such mitigation measures, only seven lives were lost during the hurricane season, despite its severity.

46. Priority five of the Hyogo Framework for Action advocates strengthening disaster preparedness for effective response at all levels and highlights the essential role that preparedness can play in saving lives and livelihoods, particularly when integrated into an overall disaster risk reduction approach. Consistent with its obligations under the Framework, the humanitarian community has continued its preparedness work, primarily to strengthen the response capacity of international stakeholders at global, regional and national levels, and of national authorities. Humanitarian actors have also stepped up efforts to harness global communications and information management systems for disaster preparedness and to strengthen pandemic preparedness.

1. Strengthening the response capacity of Governments and international stakeholders at global, regional and national levels

47. During the reporting period, a number of key steps were taken to strengthen disaster preparedness. The Capacity for Disaster Reduction Initiative, established in 2007, continued to provide capacity enhancement services to Governments and the United Nations system, supporting capacity development in two countries (Mozambique and Uganda) and in South-Eastern Europe (12 countries). The Initiative also developed several participatory training materials and supported disaster risk reduction training for more than 100 senior United Nations staff, and contributed to the dissemination of the newly approved disaster risk reduction guidelines for common country assessment and the United Nations Development Assistance Framework.

48. The United Nations Disaster Assessment and Coordination system continued to work with Member States to enhance their preparedness and response capacity. During the reporting period, six preparedness missions were deployed to Bhutan, Cambodia, Honduras, Uganda, Papua New Guinea and Peru. The missions were deployed to directly assist Governments in evaluating their national disaster response preparedness plans and make recommendations for improvement. In addition, nine missions were deployed in response to disasters in Haiti, Honduras, Namibia, Panama, Papua New Guinea, Nepal, the United Republic of Tanzania, the Turks and Caicos Islands and Yemen.

49. During the reporting period, the International Search and Rescue Advisory Group, a global network of urban search and rescue providers that sets global standards for earthquake response, formally evaluated and classified four international urban search and rescue teams from Australia, Poland, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Three awareness training courses, organized by the Advisory Group and the United Nations Disaster Assessment and Coordination system, were held in Croatia, the Russian Federation and the United Arab Emirates to familiarize national emergency managers in disaster-prone regions with the international humanitarian response system for sudden-onset disasters.

50. Humanitarian agencies continued to assist Member States in the implementation of priority five of the Hyogo Framework for Action (disaster preparedness for effective response). During the reporting period, assistance was given to Azerbaijan, Cambodia, the Comoros, Ghana, Indonesia, Mali, Mexico, Nepal, Nicaragua, Peru, Senegal, Togo and Uganda. Humanitarian agencies have also worked to promote the guidance and indicator package for implementing

priority five. The guidance supports Member States, civil society, regional organizations and international actors to strengthen their in-country preparedness capacity.

51. Through the provision of training and sharing of best practices, humanitarian agencies have worked to increase dissemination, understanding and implementation of the revised Inter-Agency Contingency Planning Guidelines for Humanitarian Assistance, which present recommendations on how to establish and implement a coordinated, inter-agency contingency planning process, develop integrated plans and monitor ongoing preparedness actions. During the reporting period, 53 countries developed or updated their inter-agency contingency plans for specific scenarios or multiple-hazard emergencies. In addition, an inter-agency emergency simulation package, developed in early 2008, was piloted in five countries during the reporting period and has now been launched for global use.

52. Humanitarian agencies continued to contribute to common risk analysis through production of the quarterly report Early Warning Early Action, which aims to foster enhanced preparedness and early humanitarian response. Key humanitarian actors also met through the Emergency Directors Meeting, a network for identifying and following up on preparedness actions for major and potential humanitarian emergencies, which held several formal and ad hoc meetings during the reporting period. Recommendations relating to operational strategy and policy arising from this forum have enhanced the quality of humanitarian response, for example, in Afghanistan, the Philippines, Somalia, the Sudan and Yemen, among others.

53. Protecting affected populations, particularly the most vulnerable groups, in situations of natural disasters remained a priority for humanitarian actors. Protection involves a wide range of activities that are aimed at ensuring respect for the rights of all individuals. During the reporting period, the global protection cluster working group continued to provide technical guidance and support to humanitarian country teams and resident/humanitarian coordinators to bring protection concerns into the mainstream of disaster management and contingency planning. Based on the Operational Guidelines on Human Rights and Natural Disasters (A/HRC/4/38/Add.1, annex), adopted by the Inter-Agency Standing Committee, workshops on the application of a rights-based approach in emergency preparedness and response were held in Madagascar, Mozambique, Panama and South Africa. The Working Group continued to revise the accompanying manual to the Guidelines, based on consultations with field-based practitioners. Training on protection in natural disasters was provided to the Senior Protection Officers of the Protection Standby Capacity Project, two of whom were deployed to Haiti and Myanmar. The Working Group also undertook support missions to these two States. The Working Group also worked to support the Representative of the Secretary-General on the human rights of internally displaced persons to integrate human rights principles and protection standards into disaster preparedness, response, recovery and reconstruction.

54. The revised terms of reference for humanitarian coordinators and the job description of resident coordinators, which were endorsed in 2009, place significant emphasis on the role of resident and humanitarian coordinators in preparedness. This includes supporting the host Government to implement preparedness measures, in addition to leading and coordinating the preparedness efforts of country teams and other humanitarian actors in support of national efforts. However, in order to be

able to perform these functions effectively, resident/humanitarian coordinators require additional capacity.

55. The United Nations system and its partners are increasingly equipped and able to provide rapid short-term support for new emergencies, and in the case of large-scale disasters, to establish robust humanitarian operations that may last for a year or more. However, a challenge remains in being able to quickly deploy skilled and experienced humanitarian personnel — including those to lead coordination efforts — who are able to deploy at the outset of small to mid-scale emergencies and remain for periods of three to six months. This time frame is not well catered for in current surge capacity mechanisms.

56. During the reporting period, humanitarian organizations and their partners began to bring the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance into the mainstream of legal development and disaster management and risk reduction initiatives. The Guidelines are designed to assist Governments in preparing their legal and institutional arrangements for international disaster assistance. Specific advice or training was provided in Cambodia, Kenya, Laos, Malaysia, Nigeria, Panama, Papua New Guinea, Peru, Sierra Leone and Viet Nam. In addition, humanitarian agencies supported a process driven by Member States in the Central Asia region to enhance legal preparedness for regional collaboration in the event of emergencies. The United Nations system continued to promote the conclusion of the Model Customs Facilitation Agreement between the United Nations and recipient countries of, or transit countries for disaster relief assistance.

57. Through the World Disaster Reduction Campaign on Hospitals Safe from Disasters, humanitarian actors and their partners worked to advocate the need to protect health facilities and ensure that they can function during, and in the aftermath of disasters. Regional frameworks were established and a number of countries are developing Safe Hospital programmes, which will enable a more effective health response to disasters. World Health Day was also devoted to the theme of making health facilities safe in emergencies.

2. Improved global communications and information management for disaster preparedness

58. Harnessing improvements in communications technology and information management to support preparedness for an effective response is critical. During the reporting period, the Inter-Agency Standing Committee Sub-Working Group on Emergency Telecommunications continued to promote the adoption of emergency telecommunications standards, as well as the development of bilateral agreements among humanitarian organizations and partnerships with the private sector to improve emergency telecommunications preparedness.

59. Efforts continued to promote the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations. With the addition of Armenia, Colombia and Pakistan in 2008, 40 States have now ratified the Convention.

60. Applying the latest technological advances in areas of remote sensing, mapping and satellite imagery has proved invaluable for humanitarian actors. During the reporting period, the United Nations Platform for Space-based

Information for Disaster Management and Emergency Response continued its efforts to ensure access to, and use of all types of space-based information to support the full disaster management cycle.

61. Following the request of the General Assembly in its resolution 62/92, an independent and external review was carried out in order to assess the value added of and user satisfaction with the Central Register of Disaster Management Capacities. The eight directories of the Register were created in 1992 following resolution 46/182 of the General Assembly to "establish a Central Register of all specialized personnel and teams of technical specialists, as well as relief supplies, equipment and services available within the United Nations system and from Governments and intergovernmental and non-governmental organizations that can be called upon at short notice by the United Nations". The review found that the directories of the Register currently have limited value added for the United Nations and the broader humanitarian emergency assistance community. Designed 17 years ago and, in some cases, overtaken by subsequent systems and networks, the directories are generally little known and have a low level of usage, and most have not reached potential users as intended. According to the review, in the past two years, the directories of the Register have not played a significant role in emergency response processes and for those who have used the directories, satisfaction has been mostly low. The review recommends that the future of each of the eight directories of the Register be reconsidered. In particular, the review proposes to re-examine the need for five of the eight directories in their current format.

3. Strengthening pandemic preparedness

62. Humanitarian actors are continuing to prepare themselves and support Member States to respond to a severe pandemic, which could have significant humanitarian impacts, in particular in developing countries. United Nations country teams and humanitarian agencies continued to revise and test their business continuity plans and pandemic contingency plans. During the reporting period, humanitarian agencies provided pandemic planning support to 90 United Nations country teams and conducted 44 simulation exercises for country teams, national Governments, inter-agency headquarters groups and regional actors to increase awareness of the pandemic threat and revitalize planning processes. Senior managers from the United Nations system, the International Federation of Red Cross and Red Crescent Societies and humanitarian partners undertook a high-level simulation exercise to understand how they would coordinate and divide their work during a pandemic. Since the emergence of new influenza A(H1N1), United Nations country teams and other key parts of the United Nations system have refreshed their plans and have begun implementing crucial preparedness measures in cooperation with national authorities and operational partners from the humanitarian community. Many national authorities have also developed and implemented national strategies to plan for pandemic influenza.

C. Strengthening the transition from relief to development

63. Managing the transition from relief to development is a critical concern in post-disaster settings. Experience increasingly shows that, if adequately managed, the post-disaster recovery phase provides an important opportunity to reduce vulnerability and long-term reliance on humanitarian assistance. The early recovery

efforts of the United Nations system aim to generate self-sustaining, nationally owned, resilient processes to support the restoration of basic services and primary infrastructure, livelihoods, shelter, governance, security and rule of law and the environment. They also promote durable, rights-based solutions for displaced populations and actions to reduce future disaster risk. Managing the transition from relief to development requires effective coordination and leadership to: identify lingering gaps and vulnerabilities; align resource requirements and uses; and ensure overall operational coherence among actors across, and activities throughout, all phases of the assistance effort. Where disasters occur in settings of ongoing, recent or potential conflict, the promotion of social cohesion should be incorporated into early recovery assistance.

Efforts to strengthen the transition from relief to recovery

64. During the reporting period, a number of key steps were taken at the global level to strengthen the transition from relief to development. The joint United Nations Development Group and Executive Committee on Humanitarian Assistance Working Group on Transition Issues worked to strengthen planning, coordination and funding for transition in order to support a stronger, more coherent United Nations system response in assisting national recovery efforts. The activities of the Working Group included developing guidance and tools for use in the field and overall transition architecture, and ensuring adequate capacity for country support, financing for transition and the transfer of humanitarian information systems to national entities.

65. The Cluster Working Group on Early Recovery, with a membership of 30 organizations, is mandated to lead efforts to support a coordinated early recovery response in both natural disasters and conflict situations and their aftermath. During the reporting period, the Working Group provided support in post-disaster situations to nine early recovery clusters and networks at the country level. For example, following Cyclone Nargis in Myanmar, an inter-agency early recovery network was quickly established, enabling the deployment of additional technical support for the Post-Nargis Joint Needs Assessment. This resulted in revision of the flash appeal for Myanmar to include a strong early recovery element and formed the basis of the current early recovery strategic framework.

66. During the reporting period, 17 early recovery experts were deployed from surge capacity rosters to 13 countries in post-disaster contexts, in addition to the considerable number of staff deployments by the members of the Cluster Working Group on Early Recovery. Support included advice on establishing and running early recovery coordination mechanisms; additional capacity and expertise to plan and implement post-disaster needs assessments; support for early recovery strategic planning that builds on humanitarian assistance and links to longer-term recovery planning processes; dissemination and application of new guidance and tools on early recovery; additional capacity and advice on information management to support a coordinated early recovery response; design of monitoring and evaluation frameworks for early recovery efforts; and support for early recovery resource mobilization. In addition, the Working Group developed and disseminated a number of specific tools and resources to strengthen early recovery at the field level. Further strengthening of these systems is essential.

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67. The post-disaster needs assessment is a joint assessment that brings together the physical, economic and human development aspects of recovery assessment. Post-disaster needs assessments were carried out in several post-disaster contexts during the reporting period, including in Myanmar (July 2008), Haiti (November 2008) and Namibia (May 2009). In each case, the assessment resulted in a comprehensive recovery framework, which included priorities to guide the recovery effort from the immediate aftermath of the crisis to longer-term recovery. Despite these successes, several challenges remain, including a lack of common understanding on methodological issues among field staff and inadequate harmonization between existing methodologies. These challenges are being addressed through the establishment of an information platform to support the assessment process and through training of field staff.

68. Although the United Nations system is working to strengthen its efforts in support of national governments in transition settings, effective transition can be hampered by a lack of coherent planning, limited capacity on the part of national and international actors for recovery programming and capacity development, and inadequate or delayed funding. National capacity for early recovery remains uneven and can be significantly depleted as a result of a disaster. Further efforts are needed to support integrated inter-agency needs and capacity assessments in post-disaster contexts, with a focus on early recovery and linkages to long-term recovery and reconstruction, and to ensure that early efforts are made to resuscitate the capacity of Government to manage the recovery effort.

69. Resident/humanitarian coordinators have a key role in leading United Nations system efforts to support Governments in early recovery and in ensuring that appropriate linkages are made between relief, recovery, transition and development activities at the country level. According to a recent evaluation, however, additional human and financial resources are required to support the work of resident/humanitarian coordinators, which includes the assessment, coordination, planning, and initiation of early recovery programming. This capacity needs to be deployed earlier and more comprehensively than is currently the case.

70. Early recovery planning is not always included in national and local disaster preparedness planning. Early recovery strategies and programmes need to be developed using integrated assessments that are based on a sound analysis of the gaps, risk dynamics and national and local capacities.

71. Early recovery is consistently underfunded through both humanitarian and development funding instruments. No formal, predictable inter-agency mechanisms to mobilize resources for transition programmes currently exist. Humanitarian funding instruments focus predominantly on immediate life-saving interventions, whereas development funding focuses on promoting sustained, long-term socio-economic benefits, and as a result, funding for transition is often overlooked. When early recovery is not funded in the humanitarian phase, funding gaps occur in the period during which humanitarian funding is phased out and before development funds can be accessed and mobilized.

V. Recommendations

72. Member States are encouraged to underline the importance of early and multi-year commitments to the Central Emergency Response Fund and other humanitarian

financing mechanisms, both United Nations and non-United Nations mechanisms, in order to ensure predictable and timely access to resources for humanitarian emergencies resulting from disasters associated with natural hazards.

73. Member States, the United Nations system and other humanitarian actors are called upon to accelerate the implementation of the Hyogo Framework for Action and to place a strong emphasis on the promotion and strengthening of disaster preparedness activities at all levels, in particular in the most vulnerable communities. Member States are encouraged to increase funding for disaster risk reduction activities, including disaster preparedness.

74. Member States are encouraged to strengthen support for humanitarian actors to enable them to cope with the increasing humanitarian burden associated with climate change, and to give priority to efforts in the most vulnerable settings.

75. Member States are encouraged to review and revise current pandemic response plans, as well as to take necessary preparedness measures and other actions to respond to pandemic influenza, including engaging in cross-border pandemic preparedness planning with neighbouring countries.

76. The United Nations system and other humanitarian actors are encouraged to further strengthen the ability to quickly and flexibly deploy humanitarian professionals to support Governments and country teams in the immediate aftermath of a disaster, taking particular account of the period of three to six months, for which current mechanisms are limited.

77. The United Nations system and other humanitarian actors are urged to significantly increase the level of human and financial resources provided to humanitarian and resident coordinators for leading and coordinating disaster preparedness and early recovery activities.

78. Member States are encouraged to increase their legal preparedness for effective disaster management by using the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance and also to consider signing the Model Customs Facilitation Agreement to facilitate the import and transit of relief consignments and possessions of relief personnel in the event of disasters and other emergencies.

79. The United Nations system and other humanitarian actors are called upon to integrate early recovery into their work across all sectors and thematic areas, and to improve the dissemination and application of tools and services for early recovery activities. Member States are encouraged to provide timely, flexible and predictable funding for early recovery, including through established humanitarian funding instruments, and to ensure that early recovery is included in disaster preparedness planning.

80. Member States and the United Nations system are encouraged to support initiatives that address the different impacts of natural disasters on individuals and groups, including through the collection and analysis of data disaggregated by gender, age and other relevant factors.

81. Member States are encouraged to consider the Inter-Agency Standing Committee Operational Guidelines on Human Rights and Natural Disasters in the implementation of contingency planning, disaster preparedness and response, as well as early recovery and durable solutions, and to work together by studying the

experiences of disaster-prone countries and regions to reduce the scale, duration and impact of internal displacement in the event of natural disasters.

82. Member States, the United Nations system and humanitarian actors are encouraged to consider the unique consequences of natural disasters in urban areas and, in particular, with regard to disaster risk reduction, preparedness and early recovery strategies.

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Sixty-fourth session
Item 33 of the provisional agenda*
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

Report of the Secretary-General**

1. The present report is submitted pursuant to General Assembly resolution 63/96, the operative part of which reads as follows:

> *The General Assembly,*
>
> ...
>
> 1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;
>
> 2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;
>
> 3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

* A/64/150.

** The present report was submitted after the deadline so as to include the most recent information.

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4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly at its tenth emergency special session, including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

5. *Requests* the Secretary-General to report to the General Assembly at its sixty-fourth session on the implementation of the present resolution.

2. On 19 June 2009, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 19 June 2009 sent to all permanent missions regarding General Assembly resolution 63/96, the Secretary-General also drew the attention of all the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to paragraph 3 of resolution 63/96.

5. On 7 July 2009, the Permanent Mission of the Bolivarian Republic of Venezuela replied to the note verbale, informing the Secretary-General that the official position of the Government of the Bolivarian Republic of Venezuela has been to support and co-sponsor the relevant resolution, and that Venezuela urges Israel to respect the provisions of the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967.

6. On 9 July, the Permanent Mission of the Syrian Arab Republic replied to the note verbale, emphasizing the applicability of the Fourth Geneva Convention to the Syrian Golan and informing the Secretary-General of several letters that the Government has sent to the President of the General Assembly, the Security Council, the European Union, international governmental and non-governmental organizations to draw attention to the issue and seek support for a solution.

7. On 14 July, the Permanent Mission of Qatar replied to the note verbale, emphasizing the need for additional pressure to achieve the full implementation of resolution 63/96 as well as the advisory opinion of the International Court of Justice of 9 July 2004.

8. On 27 July, the Permanent Mission of Egypt presented its official position in its reply to the note verbale, requesting Israel to guarantee the application of the Fourth Geneva Convention through, inter alia, ceasing the construction of the Wall and of settlements; ceasing all practices leading to a change in the character of East Jerusalem or the geographical character of the occupied territories; ceasing forced displacement of civilians; avoiding targeting private or public installations such as schools or hospitals and ending any abusive use of force and collective punishment.

9. On 28 July, the Permanent Mission of Colombia replied to the note verbale, informing the Secretary-General that it had voted in favour of the relevant resolution and reiterating the non-recognition of territorial acquisitions through the use of force as well as the applicability of the Fourth Geneva Convention.

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Sixty-fourth session
Item 71 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Subregional Centre for Human Rights and Democracy in Central Africa

Report of the Secretary-General**

Summary

The present report, submitted in accordance with General Assembly resolution 63/177, provides an overview of the work carried out by the Subregional Centre for Human Rights and Democracy in Central Africa and the most significant developments in its operations from September 2008 to August 2009. It provides details on activities carried out in the areas of capacity-building for Governments in the region, technical cooperation and advisory activities, democracy and peace support, public information and dissemination of documentation, as well as the creation of more innovative partnerships with Governments, subregional organizations, civil society organizations, United Nations agencies and diplomatic missions.

* A/64/150.

** The present document is submitted late owing to the need to incorporate last-minute amendments to a change in middle/senior management at the Yaoundé Centre.

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I. Introduction

1. The Subregional Centre for Human Rights and Democracy in Central Africa (hereafter the Centre) was established in 2001 at the request of the member States of the Economic Community of Central African States (ECCAS), pursuant to the resolution adopted by the United Nations Standing Advisory Committee on Security Questions in Central Africa at its fourth meeting, in April 1994 in Yaoundé, as well as to General Assembly resolutions 53/78 A and 54/55 A. The mandate of the Centre is to contribute to capacity-building in the area of promotion and protection of human rights, to support the establishment and strengthening of national human rights institutions and to assist in the dissemination of and sensitization to international human rights instruments. The Centre is also mandated to promote democracy and the rule of law throughout the subregion and to work towards the prevention of conflicts and the promotion of sustainable peace and development.

2. The Centre operates under the auspices of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the High Commissioner officially inaugurated the Centre in June 2002. It is currently staffed with a Director, a Regional Adviser for Democracy, two Human Rights Officers, a National Programme Officer in charge of the library and databases, and four assistant-level local staff (two were recruited after the adoption of General Assembly resolution 62/221).

II. Human rights and peace and security

3. During the period under review, there were notable advances towards peace and reconciliation, with political negotiations leading to peace processes in some countries. However, the Great Lakes region and neighbouring areas were characterized by continued violence in eastern Democratic Republic of the Congo, Chad and the Central African Republic. These situations highlighted the fragility of peace and the need for sustainable solutions that take into account issues of accountability.

A. Peace efforts and human rights concerns

4. In the Democratic Republic of the Congo, despite the implementation of the Goma Declaration of 16 January 2009 signed between the Government and rebel groups, the joint Rwandan-Democratic Republic of the Congo military action against the Forces démocratiques de libération du Rwanda, as well as the current operation of Congolese Armed Forces against the Forces démocratiques de libération du Rwanda, mass killings, sexual violence and other violations of international humanitarian law have continued. In the Central African Republic, the agreement signed by political parties and rebel groups in December 2008 during an inclusive political dialogue has not yet been implemented, due to the resumption of rebel activities in the northern and eastern areas of the Central African Republic. These military activities are increasing displacements of the population and both official and rebel forces are operating in total impunity, in areas throughout the country where there is an absence of State administration. A similar situation is prevailing in eastern Chad, where killings, sexual abuses and inter-ethnic massacres

are regularly reported. In replacement of the European Force deployed in March 2008, the United Nations has deployed, as of 15 March 2009, a peacekeeping operation in eastern Chad and north-eastern Central African Republic, the United Nations Mission in the Central African Republic and Chad, with an important human rights component. In the Central African Republic, the United Nations is in the process of transforming the United Nations Peacebuilding Support Office in the Central African Republic into an integrated mission.

5. Encouraging steps towards peace were taken in many areas of the region. In Burundi, the Government and the Palipehutu-Forces nationales de libération armed opposition group signed a final accord of cessation of hostilities after they succeeded in resolving the two remaining outstanding stumbling blocks: Palipehutu-Forces nationales de libération accepted to comply with the Constitution and to change its name so as to remove any ethnic reference, and both sides agreed on a power-sharing scheme in the process mediated by the Government of South Africa. A joint verification and follow-up mechanism was set up to accompany the implementation of the peace agreement. The President of Burundi offered the Palipehutu-Forces nationales de libération 31 political posts and the release of political prisoners.

B. Electoral processes and human rights challenges

6. On the democracy front, several countries of the subregion underwent electoral processes or were preparing themselves for national legislative or presidential elections. In Angola, Burundi, Cameroon and Sao Tome and Principe, preparations for elections were made with the creation and reinforcement of new legislative bodies. In Burundi, a new electoral commission was set up to take charge of the general elections scheduled to be held in 2010, which are expected to put an end to the current transition period. The Arusha accords between the Government and the rebels had set the modalities for a sharing of power between different groups. In Cameroon, in December 2008, the Government announced the appointment of the members of the national electoral commission (ELECAM), in charge of the organization, management and supervision of all electoral processes and referendums in the country. Presidential elections are to be held in 2011. In Sao Tome and Principe, the National Assembly reinstated the National Electoral Commission and designated a former Justice Minister as its chairman in view of local elections in 2009 and legislative elections in 2010. The Commission is composed of members of all parties. In Angola, there is still no date for presidential elections, which have not been held since the end of the war in 2002. The last presidential elections in Angola were held in 1992. Legislative elections in Angola were held on 5 September 2008.

7. In the Republic of the Congo, on 12 July 2009, long-serving president Denis Sassou-Nguesso was re-elected for another seven-year term in office in an election boycotted by the opposition parties and with significant voter abstentions. At least six presidential candidates called for a nationwide boycott a few days prior to the elections, citing irregularities in the election registers and complaining that the State machinery had tilted the political playing ground towards a victory for the incumbent. At the time of finalizing the present report, the electoral dispute was referred to the country's Supreme Court, which officialized the results on 25 July. President Sassou-Nguesso was then sworn in, in early August 2009.

8. In Gabon, the death of long-serving President Omar Bongo Ondimba halfway through a presidential term threw the country into an unexpected electoral process, with scores of political personalities attempting to fill in the seemingly omnipotent role of the late President and heightening the political tension. Although constitutional order was scrupulously respected in the immediate aftermath of the President's death, with the appointment of the Senate President as interim President, the political atmosphere following announcement of the date of the elections was highly charged, and there were fears in certain quarters that the country might face unrest if the transition and electoral period were not carefully managed.

9. Earlier, before the unexpected death of President Bongo, senatorial elections had been held in Gabon on 18 January 2009, which had also been marred by claims of irregularities. In those elections, the ruling party, the Parti démocratique du Gabon had won over two thirds of the 102 seats. About 20 candidates from the various opposition parties, as well as from the Parti démocratique du Gabon, and some independents, had appealed to the Court over alleged irregularities and corruption. The Constitutional Court had examined several complaints lodged by candidates of the senatorial elections and had rejected the appeals.

III. Activities carried out from September 2008 to August 2009

A. Human rights activities

Situation of human rights

10. In several countries of the subregion, the dire situation of prisons continued to be of grave concern, especially in relation to overcrowding and failure to observe minimum standards. In Cameroon, there were several incidents of escapes of inmates. In the Bamenda prison, one person was shot dead during an incident on 26 October 2008. The prison, which had been built in the 1930s for about 100 inmates, currently accommodated around 700. Its security standards are considered insufficient. The approximately 300 inmates of Yokadouma prison went on a rampage on 22 April 2008, reportedly following the death of one of the inmates, apparently due to denial of proper medical treatment. In Gabon, on 19 January 2009, mutineers in the central prison in Libreville reportedly took four prison guards hostage, among them one pregnant woman, put fire to parts of the premises and occupied the police post. They demanded better detention conditions and effective trials for some of their number and insisted they would only negotiate with President Bongo. Two of the insurgents were reported to have died during the police intervention to reinstate order, and five others suffered injuries. Female prisoners were said to have been victims of sexual violence. The prison had been built in 1956 for 300 convicts, but presently accommodated about 1,500, without any modification to its structure. Sanitary conditions are deplorable. Some of the detainees have allegedly been waiting for their trial for many years, in violation of existing law.

11. There were continuing concerns relating to the denial of freedom of expression in parts of the region. Journalists were reportedly harassed, sanctioned, arrested and/or detained, including in Angola, Burundi, Cameroon, the Democratic Republic of the Congo and Gabon. In Cameroon, civil society organizations signed a communiqué complaining about lack of respect for freedom of thought and

expression in the country. In particular, they cited the cases of a local commentator, detained and accused of offences against the Head of State for questioning the extensive closures of roads in the capital during movements of the presidential convoy, and of two teachers in Bamenda who had questioned the repeated absences of the President from the country. The Union of Cameroonian Journalists complained about remarks by the Vice-Prime Minister, Minister of Justice and Keeper of the Seals; and lately the Prosecutor General, who had accused journalists of lack of professionalism, alleging that the excessive dissemination in the media was violating ongoing legal procedures, because several media had reported about ongoing cases of corruption investigations. The Union asked its members to be more responsible in reporting on judicial cases, but not to give in to intimidation or manipulation. In Gabon, two European journalists, who had allegedly entered the country with a simple tourist visa, after their application for a press visa had been turned down, were detained just before leaving the country on 10 February 2009. Their employer, the media company Capa, stated that the Gabonese authorities had been informed and that the two had presented themselves at the Ministry of Communication upon their arrival on 5 February 2009. The journalists had been freed the same day, but their equipment was retained. Foreign journalists were said to be viewed with suspicion in Gabon due to the lawsuit, and the attendant media attention, taking place in France against the Presidents of the Congo, Gabon and Equatorial Guinea, who were suspected of illegal gains. In Rwanda, after several months of discussions, the Rwandan Parliament adopted a new media law on 23 February 2009, which prevents journalists from using unofficial information, and states that sources must be disclosed when courts so require, thus seriously impeding investigative journalism. However, the law increases access to public information by fining state officials who hide information. The new law has been criticized in Rwanda and internationally.

12. The situation of migrant workers worsened in some parts of the subregion, in particular, Burundi and Equatorial Guinea. Between January and February 2009, Burundian authorities were reported to have expelled about 800 illegal foreigners, mostly citizens of the Democratic Republic of the Congo and Rwandans (approximately 600), but also Ugandans, Tanzanians, and Senegalese. According to sources, the numbers could even be higher, possibly reaching over 1,400 persons. The Government of Burundi alleged that foreigners were responsible for most of the crimes committed in the country and that repatriations were routine work. Some foreigners complained that policemen had intentionally destroyed valid Burundian residence permits. Elsewhere, the border between Equatorial Guinea and Cameroon was closed on 8 January 2009, upon a decision by the Government of Equatorial Guinea — supposedly to prevent illegal immigration. Many Cameroonians are reported to be working illegally in Equatorial Guinea, where they are often badly treated, deprived of their belongings or stigmatized as criminals. About 100 of these migrant workers have been repatriated to Cameroon since January 2009. The closure of the border has been of special concern for families living along either side, who have been separated.

13. Some legislative developments in the subregion are worthy of note. In Angola, on 15 December 2008, the National Assembly adopted a new law creating the Constitutional Commission tasked with formulating the future Angolan constitution. The law fixes a period of 75 days, from the moment of its adoption, during which political parties, state entities, civil society organizations and citizens in general can

submit proposals for the draft constitution. The Commission officially started to function 30 days after the adoption of the law.

14. In Burundi, the Parliament adopted a new Penal Code. The Senate had rejected the Code, but the lower chamber of Parliament reversed the decision. President Pierre Nkurunziza signed the Penal Code into law on 22 April 2009. The Code is generally considered to be a sign of progress. It also bans the death penalty. However, it includes a controversial clause criminalizing homosexuality, with imprisonment terms of up to 3 years.

Capacity-building activities

15. The Centre continued to focus its activities on countries where there was no United Nations human rights presence (OHCHR country office or a human rights component of a peacekeeping mission). Nonetheless, all countries of Central Africa are covered in the Centre's activities regarding capacity-building, sensitization programmes, in particular on transitional justice, peace and security and other issues of relevance at the subregional level.

16. The Centre continued to place the issues of women's rights, women's empowerment, violence against women and gender-based discrimination high on its agenda. Throughout the year, the Centre continued its series of training-of-trainers in the subregion: from 9 to 13 June and on 2 and 3 December 2008, the first and second series of training-of-trainers on gender and human rights was conducted in Brazzaville. From 4 to 8 May 2009, following a request from the Ministry of Social Affairs of Gabon, the Centre organized a one-week training-of-trainers on gender and human rights for the gender focal points of the Government of Gabon. The training was organized jointly with national trainers who had participated in previous trainings-of-trainers from civil society in Gabon. From 13 to 15 July 2009, the Centre organized a training-of-trainers from civil society on gender and human rights in Bafoussam, Cameroon.

17. The Centre also continued its collaboration with women's rights organizations. On 19 June 2008, the Centre gave a presentation on human rights instruments and mechanisms to a group of youth gathered by the association Women in Alternative Action in Cameroon. On 8 March 2008, the Centre took part in the celebration of International Women's Day. The celebration was a joint effort of United Nations agencies, in close cooperation with the Cameroonian Ministry of Women's Empowerment and the Family. In this framework, journalists and non-governmental organization representatives were invited to a ceremony co-chaired by the Ministry, the United Nations Resident Coordinator and the Director of the Centre.

18. The Centre strengthened its collaboration with indigenous peoples' groups in the region to enhance their capacity to deal with problems facing them. To that end, the Centre manages a subregional network of indigenous peoples who regularly exchange information and ideas. In March 2008, the Centre started an Internet information network for indigenous peoples and minorities from Central Africa. More than 200 individuals, mainly indigenous leaders from Central Africa and other countries, are on the mailing list and receive and exchange information on a regular basis on indigenous and minority issues in the subregion (for example, indigenous fellowships at OHCHR, local non-governmental organization initiatives for the promotion of indigenous rights, invitations to seminars, sharing of documentation, calls for proposals, etc.). The network was presented during the Durban Review

Conference as an example of good practices in the fight against discrimination. Some active members of the network were invited, on 15 and 16 April 2009, to a regional seminar on indigenous peoples' rights in Central Africa organized by the Centre. Representations from Governments and indigenous communities from Burundi, Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo, Gabon and Rwanda participated. Representatives of local administrations, natural parks and local non-governmental organizations were also invited. During the seminar, the participants extensively discussed the problems faced by indigenous communities in Central Africa, but also possible initiatives to jointly overcome the problems. The participants were sensitized to the rights contained in the United Nations Declaration on the Rights of Indigenous Peoples and to the principle of free, prior and informed consent. On 9 August 2009, the Centre participated in the second official celebration of the International Day of the World's Indigenous People in Cameroon.

19. On 1 October 2008, Cameroon signed the Convention on the Rights of Persons with Disabilities. On 2 and 3 December 2008, the Centre participated in two events organized by the Ministry of Social Affairs on the occasion of the seventeenth celebration of the International Day of Persons with Disabilities. On 3 December, the Centre delivered the official message of the Secretary-General, which highlighted the need to achieve the Millennium Development Goals and to include persons with disabilities in all development processes. The Ministry of Social Affairs had chosen the United Nations Convention on the Rights of Persons with Disabilities as the national theme for this seventeenth celebration of the International Day and mentioned the signature by Cameroon of the Convention on 1 October 2008. The need for social, educational, economic and professional integration of persons with disabilities was highlighted by their representative and acknowledged by the Government. On 15 April 2009, in celebration of an international day for the fight against discrimination, the Centre organized an "open door day" for 80 civil society organization leaders involved in the promotion and the protection of human rights, especially the rights of people living with disabilities.

20. Since September 2008, the Centre has conducted over 15 training sessions for Cameroonian police and gendarmerie officers of the criminal investigation training centre (*Centre de perfectionnement à la police judiciaire*) as well as police officers from countries of ECCAS trained at the regional police training centre (*Centre de perfectionnement aux techniques de maintien de l'ordre*) of Awae, Cameroon, including some who were preparing to be deployed to peacekeeping missions. The Centre provides them with information concerning the identification of situations in which human rights can be at risk in their everyday work and the international legal obligations that the representatives of the State authority have to abide by. Through interactive games and exercises, the police officers have an opportunity to reflect upon the concepts of equality, democracy, universalism of human rights and debate the opportunity and feasibility of using human rights in their everyday work.

21. The Centre continued to bring its regular support to conventional and non-conventional procedures. In particular, it continued to collaborate with the Special Procedures mandate-holders in the implementation of their mandate by paying particular attention to recommendations relevant to the subregion.

22. During the previous reporting period, six countries of the subregion had gone through the universal periodic review: Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo and Equatorial Guinea. Conclusions and recommendations were issued and the Centre will work with the concerned Governments and respective civil societies to follow up on their implementation.

23. During the reporting period, Angola was examined by the Committee on Economic, Social and Cultural Rights; Cameroon submitted reports to the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on Economic, Social and Cultural Rights and was examined by the Committee on the Elimination of Discrimination against Women; Chad submitted reports to the Committee on the Rights of the Child, the Committee against Torture and the Human Rights Committee and was examined by the following Committees: on the Elimination of Racial Discrimination, on Economic, Social and Cultural Rights, against Torture and the Human Rights Committee; the Republic of the Congo was examined by the Committee on the Elimination of Racial Discrimination; the Democratic Republic of the Congo submitted a report to the Committee on Economic, Social and Cultural Rights and was examined by the Committee on the Rights of the Child; and Rwanda was examined by the Human Rights Committee and the Committee on the Elimination of Discrimination against Women. Burundi, the Central African Republic, Gabon and Sao Tome and Principe did not submit any report, nor were they examined by any Committee.

B. Democracy and rule of law activities

24. On 18 and 19 November 2008, the Centre delivered a training programme on human rights for parliamentarians of the Republic of the Congo co-organized with the Congolese National Assembly and aimed at introducing human rights standards and mechanisms to parliamentarians. Two experts from the Centre presented the Universal Declaration of Human Rights and the different human rights conventions and their content, the work of the Committees and Special Procedures, the rights of vulnerable groups, and oriented the exercises towards concrete situations that parliamentarians might face in their everyday work. The opportunity was provided to the 15 parliamentarians who took part in the training to interactively examine their role in the promotion of human rights.

25. From 18 to 29 July 2009, the Centre sent a team to Gabon to make an assessment on how to further provide support to the Government in the area of promotion and protection of human rights, including during the presidential elections scheduled for 30 August. On this occasion, the team met with numerous political actors, international partners, as well as civil society representatives, and discussed various intervention strategies, including capacity-building for local actors working on the elections. A session with a network of journalists working on human rights was also conducted in Libreville.

C. Advisory services and technical cooperation

26. On 20 February 2009, the World Wide Fund for Nature, together with the support of four major non-governmental organizations working with indigenous peoples in Cameroon, convened a meeting to discuss a joint strategy to provide advocacy to the Ministry of Social Affairs, which had started working on a draft law on the rights of marginalized peoples. The Centre gave a presentation on the different international texts dealing with the rights of indigenous peoples and provided advice.

D. Promotion of peace and security in Central Africa

27. The Centre participated in the 28th meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, which was held from 4 to 8 May 2009 in Libreville. The Committee was established on 28 May 1992 by the Secretary-General pursuant to General Assembly resolution 46/37 B, in order to promote peace, security and development in the Central African region through confidence-building measures, including democratization and human rights, measures to limit arms proliferation, and disarmament. Pursuing its work on the "Sao Tome Initiative" under the two-year methodology and ECCAS leadership, adopted in 2008, the Committee decided to include fundamental human rights principles in the Code of Conduct of the Central Africa Multinational Force, and particularly the principles of Security Council resolutions 1325 (2000) and 1820 (2008). Within the initiative, the Committee also agreed to include the prohibition of the use of child soldiers in the legal instrument on the control of small arms and light weapons in the Central African subregion, which is also under elaboration.

E. Fellowship programme

28. Formerly known as an internship programme, the Centre's fellowship programme has continued gathering interest from both students and professionals of the subregion. As at July 2009, the Centre had received 13 fellows from Cameroon, Chad, the Congo, Gabon, the Central African Republic and the Democratic Republic of the Congo. The fellows help the Centre to conduct research on various human rights and democracy issues and they, in turn, benefit from their stay at the Centre to deepen their knowledge on the United Nations human rights machinery and procedures, as a result of which they are in a better position to contribute to relevant human rights and democracy initiatives in their home countries upon completion of the fellowship.

29. Details of each country's participation are as follows:

Cameroon	6
Chad	2
Congo	1
Central African Republic	1
Democratic Republic of the Congo	2
Gabon	1
Total	**13**

30. In order to encourage the participation of all countries of the subregion, especially those with a low representation rate in the fellowship programme, more outreach activities have been developed by the Centre. Thus fact sheets on the fellowship programme have been produced and distributed during all regional and subregional meetings in which the Centre has taken part.

F. Information, sensitization and documentation

31. The Centre continued providing online information to its almost 6,000 contacts, divided into several networks (general contacts, journalists, United Nations, civil society organizations, members of the diplomatic corps), on United Nations human rights issues and new developments in the field of media, information and transitional justice. The information was also provided to the public through the small documentation unit of the Centre. During the period under review, the resource centre registered over 1,000 visitors who were mostly Government officials, students, researchers, media professionals and civil society leaders.

32. A series of activities to mark the 2009 commemoration of International Women's Day took place with the support of the Centre.

33. Twenty-five journalists (members of the journalists' network) in Cameroon were trained on issues related to violence against women and the role the media can play in combating this phenomenon. In a one-day reflection workshop in October, a target was set in which the journalists committed to regular reporting on violence against women. In December 2008, members of the journalists' network in Gabon joined the Centre to organize week-long activities in commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights. Sensitization activities were carried out in schools in Libreville, along with other activities, ending with a joint press conference by the regional representative and the Gabonese Human Rights Minister on 10 December 2008.

34. On 15 April 2009, the Centre convened an open door day on the issue of discrimination, in cooperation with Cameroonian and French civil society organizations. The various forms of discrimination against disabled persons were among the most debated subjects during the event, in which members of associations of disabled people participated.

35. The Centre developed a comprehensive outreach material strategy aimed at providing information to its different partners through printed, audiovisual and electronic formats. The Centre produced a comprehensive report and a documentary on the Centre's activities for the past three years. These documents were presented and distributed to partners during meetings and press activities. Several public information tools, such as thematic fact sheets and issues of "International Perspective" (replaced recently by "Rights and Democracy Focus") — the Centre's compilation of the most relevant press clippings — gave the Centre much room to inform counterparts on the evolution of human rights and democracy within the subregion. Over 20 issues of Rights and Democracy Focus have been published since its introduction in May 2009.

36. On 5 and 6 May 2009, upon request from the members of the Gabonese network for human rights, the Centre organized a training seminar on human rights for 27 journalists from Gabon. The aim of the training was to sensitize journalists on

human rights instruments and related mechanisms, in particular the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and to recall the principles of accountability, respect of ethics and deontology and the role of journalists in promoting and protecting human rights.

IV. Development of partnerships

A. Collaboration with regional organizations

37. On 6 and 7 October 2008, in Libreville, ECCAS, in partnership with the Centre, organized an expert consultation on child trafficking in Central Africa with 25 experts coming from Cameroon, the Congo, Equatorial Guinea and Gabon. The participants, experts from civil society and Government representatives, had the opportunity to discuss the current situation of child trafficking in the subregion as well as the existing legal standards and good practices in each participating country. The participants adopted recommendations addressed to the members of ECCAS. On 11 and 12 May 2009, the Centre organized a follow-up to the seminar with a subregional workshop on campaigning techniques to fight child trafficking in Central Africa.

38. The Inter-Parliamentary Union, in collaboration with OHCHR, organized the second regional seminar for the involvement of parliamentarians in the work of treaty bodies in Gabon, from 4 to 6 March 2009. The Centre was invited to participate in the seminar. Over 80 participants attended, including parliamentarians, representatives of the Government of Gabon, representatives of national human rights institutions, civil society organizations, United Nations country teams and international organizations and media professionals.

39. The Centre continued to develop close relationships with the International Organization of la Francophonie, which provided the venue for the organization of two meetings with the Journalist Network on human rights in Gabon in March and May 2009.

40. The Centre benefited from logistical support from ECCAS during its missions in Gabon. This support has been provided within the framework of the memorandum of understanding between OHCHR and ECCAS.[1]

41. As part of the new strategy of the Centre, collaboration initiatives will be pursued in the coming year with regard to other organizations active in the subregion, such as ECCAS, the Gulf of Guinea Commission, the Southern African Development Community, and the International Conference on the Great Lakes Region.

[1] Following the creation of the Yaoundé Centre, then High Commissioner for Human Rights, Mary Robinson, signed an official memorandum of understanding with General Secretary of ECCAS, Louis Sylvain-Goma, in which the two institutions pledged to work in close collaboration on issues of peace, human rights and democracy in the subregion, given the fact that they had similar mandates in these areas. The memorandum of understanding was signed on 10 July 2002.

B. Collaboration with civil society, donors and the diplomatic community

42. In Cameroon, from July to September 2008, the Centre participated in several workshops organized by the American Bar Association aimed at producing a reference manual for prosecuting traffickers in persons in Cameroon. The goal of the manual is to provide prosecutorial options to those seeking to convict traffickers. It will also help to educate law enforcement on the elements of trafficking and strategies for combating the phenomenon in Cameroon. This manual was first used for a training of police officer trainers on human trafficking in Cameroon organized by the American Bar Association at the National Police School of Cameroon on 11 September 2008 and has since been used for other training programmes for Cameroonian magistrates and lawyers.

43. The Centre benefited from staffing support from the Netherlands and France, both of which funded Junior Professional Officer posts and actively supported the Centre's programmes in the region. The Centre thanks these Governments for their support and recommends more engagement by other donors.

44. The Centre has developed a partnership with the international non-governmental organization World Wild Fund for Nature present in Cameroon. On 31 January and 1 February 2009, the Centre participated in the Fund staff retreat in Mbalmayo, Cameroon. On the occasion, two days were dedicated to the training of Fund staff on indigenous peoples' rights. On 17 April 2009, the Centre participated in a workshop organized by the Fund on the elaboration of a negotiation strategy for formal agreements of joint management of the national park of Campo Ma'an in eastern Cameroon between local indigenous peoples and the local administration. The Centre and the Fund also collaborated in the organization of a regional seminar on indigenous peoples' rights held on 14 and 15 April 2009 and will continue working with the Government of Cameroon to draft a national law on indigenous peoples' rights.

45. On 28 May 2009, the Centre invited the ambassadors of the subregion as well as representatives of the main Cameroonian ministries to a one-day brainstorming session on possible orientations and activities of the Centre for the biennium 2009-2011. Key thematic priorities were identified and discussed, such as gender, economic, social and cultural rights, the role of the Centre in relation to HIV/AIDS and the right to a healthy environment.

46. On 26 June 2009, on the occasion of the celebration of the International Day in support of victims of torture, the Centre organized a conference in Yaoundé, in partnership with a Cameroonian non-governmental organization for 40 members of the civil society platform against torture.

C. Collaboration with United Nations agencies

47. The Centre continued expanding its area of collaboration with United Nations agencies during the reporting period. In November 2008, the Centre collaborated with the Department of Political Affairs to organize a regional conference focusing on democracy and peaceful political transitions. The conference was held in Bamako and attendees included academic experts, non-governmental organizations, the Commonwealth, United Nations agencies, members of national election

commissions and dignitaries representing different Governments. In addition, the Centre and the Department of Political Affairs worked together to support the work of ECCAS in promoting peace and security including by attending ECCAS meetings on these issues. The Centre's special relationship with the Department of Political Affairs, which has been ongoing since the creation of the Centre, will be further consolidated in the coming year through similar collaborations.

48. Under the Action 2 Global Programme, the Centre was the driving force for two activities. From 19 to 23 October 2008, programme staff from the United Nations agencies in Cameroon took part in a training programme on a human rights-based approach to programming, co-organized by the Centre and the office of the Resident Coordinator. Additionally, a consultant finalized the verification of Cameroonian legislation in the light of the international human rights instruments adhered to by Cameroon. The Centre is reviewing the report.

49. The Centre took part in United Nations Day celebrations, as is customary every year. On 22 October 2008, United Nations agencies held an open door day at the United Nations Information Centre in order to inform partners and interested persons in the Government, the diplomatic corps, and civil society about their activities in Cameroon and the region. The Centre distributed abundant documentation in order to sensitize the public on the sixtieth anniversary of the Universal Declaration of Human Rights. On 24 October an official ceremony was held at the Ministry of Foreign Relations of Cameroon.

50. From 3 to 8 December 2008, the Centre brought its technical support to United Nations country team members in Equatorial Guinea to develop a joint programme on HIV/AIDS. The Centre has been working in close partnership with the United Nations country teams in the subregion and has provided substantial support in the design of their activities. In Equatorial Guinea, the Centre has developed a close relationship with, and has now become a permanent part of, the United Nations country teams, being regularly involved in and consulted on their planning, work and activities.

51. The Centre manages the joint OHCHR/United Nations Development Programme project entitled "Assisting Communities Together", which aims to increase democracy and human rights awareness among non-governmental organization stakeholders in Cameroon. There are six non-governmental organizations benefiting from the project, which has come to the end of its sixth phase. The role of the Centre is to advise non-governmental organizations and support the building of their capacities to develop human rights education programmes and to integrate human rights-based approaches into their projects.

52. On 30 and 31 March 2009, the Centre participated in a workshop organized by the International Labour Organization for all United Nations agencies on proposals for the integration of the new draft United Nations Development Group guidelines on indigenous issues into the United Nations Development Assistance Framework document for Cameroon. The Centre gave a one-hour presentation on indigenous peoples in Central Africa, their problems and their rights.

53. From 1 to 3 July 2009, the Centre participated in a retreat in Cameroon for the United Nations country team of Equatorial Guinea. The occasion provided an opportunity to discuss areas of cooperation for "delivering as one" in Equatorial Guinea. The Centre was asked to provide support in the field of human rights, in

particular on the universal periodic review mechanisms and the implementation of the United Nations country team programme on governance for the period 2008-2012.

D. Other related human rights developments in the region

54. Within the context of the Great Lakes Initiative, an ongoing project under the United Nations Action 2 Programme, OHCHR deployed a regional human rights adviser who began work in February 2009 to support the United Nations country teams in Burundi, Rwanda and the Democratic Republic of the Congo and the member States of the International Conference on the Great Lakes Region to foster joint activities and address regional human rights challenges. Six of the International Conference member States are in Central Africa (Burundi, the Central African Republic, the Democratic Republic of the Congo, the Republic of Congo, Rwanda and Uganda). OHCHR provides support to the protocols and projects of the International Conference addressing a number of regional human rights, such as the prevention of genocide, the rights of internally displaced populations, the combat against sexual violence, illegal exploitation of resources and impunity. Other human rights issues addressed by the regional human rights adviser during the reporting period, in close cooperation with the United Nations country teams, the International Conference and the Governments in the region include: the protection of foreigners from expulsion from Burundi and the United Republic of Tanzania; the situation of the Batwa and the albinos; the identification of people at risk of statelessness; and human rights in the context of electoral processes.

55. The Pact on Security, Stability and Development in the Great Lakes region signed by its 11 member States in 2006 (and ratified by 9 to date) provides an important legal and political framework for the promotion and protection of human rights in the region and a monitoring mandate through the setting up of a centre for the promotion of democracy, good governance, human rights and civic education, including a regional observatory on human rights, which will require OHCHR support, especially for the effective use of its monitoring mandate.

56. The regional observatory will be linked to a network of national human rights institutions and observatories in the member States of the International Conference. This will bring additional value to the conflict management efforts of the International Conference secretariat through the development of an early warning system and the provision of predictive and current analytic reports on situations that merit urgent attention for pre-emptive and corrective action.

57. In another development that has the potential to strengthen the human rights institutional capacity in the subregion, the Central African Economic and Monetary Community (CEMAC) appointed, in 2008, a commissioner in charge of human rights, good governance and human and social development. The commissioner was appointed from Equatorial Guinea and will be based at CEMAC headquarters in Bangui. The role of the commissioner is to ensure that issues related to human rights and good governance in the CEMAC region are addressed in a unified manner and recommendations made to States on how to best promote these values. The Yaoundé Centre hopes to collaborate actively with the commissioner to further improve the human rights situations in the subregion. In this regard a working meeting with the CEMAC commissioner is planned, with the aim of identifying areas in which the

Yaoundé Centre can collaborate with the office of the commissioner in the domain of human rights and good governance.

V. Conclusions and recommendations

58. During recent years, the Yaoundé Centre has become more visible and has been solicited by many governmental and non-governmental human rights stakeholders and actors. In this context, the Centre has delivered critical trainings to a whole range of State and non-State actors and has diversified its interlocutors, creating the basis for more effective implementation of its mandate in the coming years. The Centre has also created specialized networks of experts in the areas of the media, transitional justice and indigenous peoples, worked on a joint programme of democracy strengthening with the Department of Political Affairs, provided technical expertise to Governments in the subregion and supported the capacity of many non-governmental entities. It has also enhanced its work to mainstream human rights in the work of other United Nations agencies.

59. For the next biennium, the Centre will increase its focus on anti-discrimination, the combat against impunity, the protection of economic and social rights and capacity-building for national human rights institutions.

60. The Centre will support Governments and other stakeholders to implement the Durban Declaration and Programme of Action as well as the Outcome of the Durban Review Conference.

61. Work in new areas will also be conducted in the next biennium. Millions of people in countries that are rich in oil, gas and minerals live in abject poverty. With good governance, the exploitation of these resources can generate large revenues to foster growth and reduce poverty. Weak governance may result in poverty, corruption, and conflict. The Centre will therefore focus in the next biennium on equitable distribution of natural resources, and in particular the extractive industries.

62. Finally, as part of its subregional strategy to promote human rights more comprehensively, the Centre will increase its cooperation with national human rights institutions in the area to support the creation of such institutions in countries where they do not exist and to build the capacity of institutions that exist.

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Situation of human rights in Myanmar

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 6 of General Assembly resolution 63/245 and covers the period from 25 August 2008 to 25 August 2009. During that period, I visited Myanmar on 3 and 4 July 2009 at the invitation of the Government. In addition, my Special Adviser, Ibrahim Gambari, visited Myanmar three times at the invitation of the Government, from 31 January to 3 February and on 26 and 27 June, and accompanied me on 3 and 4 July 2009.

In all discussions, I, as well as my Special Adviser, continued the good offices efforts to promote national reconciliation, democratic transition and respect for human rights in Myanmar, in accordance with the relevant General Assembly resolutions. Discussions focused on five key areas, as endorsed by the Group of Friends of the Secretary-General on Myanmar and in the Security Council: (a) the release of all political prisoners, including Daw Aung San Suu Kyi; (b) the need for an all-inclusive, substantive and time-bound dialogue; (c) the need to create conditions conducive to a credible process of political transition to civilian and democratic government; (d) improving socio-economic conditions; and (e) regularizing the good offices process between Myanmar and the United Nations.

The Government of Myanmar enacted two prisoner amnesties during the reporting period, announcing that it had released 9,002 prisoners in September 2008 and 6,313 prisoners in February 2009. These amnesties applied to several political prisoners whose releases were urged during my Special Adviser's visits to Myanmar. During the reporting period, however, the Government also imposed lengthy prison terms on individuals connected to the protests of 2007.

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On 14 May 2009, the General Secretary of the National League for Democracy (NLD), Daw Aung San Suu Kyi, was charged with violating the terms of her house arrest, based on the intrusion of an American national on her property, from 3 to 5 May. Daw Aung San Suu Kyi pleaded not guilty to the charges, maintaining that she had not broken the law. She was sentenced on 11 August 2009 to three years of hard labour, a sentence that was commuted immediately by the Government to 18 months of house arrest. On the same day, I issued a statement deploring the verdict and reiterating that unless all political prisoners in Myanmar were released and allowed to participate in free and fair elections, the credibility of the political process would remain in doubt.

The Government of Myanmar expressed its determination to proceed with multiparty elections by 2010, the fifth step in its seven-step road map to democratic government. Several key stakeholders, including NLD and some ethnic groups, object to the new constitution and the process by which it was adopted, and reserve their position on participating in the planned election. I continue to emphasize that only a credible and inclusive political process, based on mutual understanding and constructive compromise by all stakeholders, can advance the prospects of durable peace, national reconciliation, democracy and respect for human rights in Myanmar, and that the Government has a primary obligation to address the concerns of all stakeholders. I also emphasize that failure to address with equal attention the nation's political, humanitarian and development challenges could undermine the prospects for peace, democracy and development.

I welcome the broad support of the international community for my personal engagement, the role of my Special Adviser and the continuation of my good offices mission. I look forward to working with all concerned, including through my Group of Friends on Myanmar, towards a peaceful, united, democratic Myanmar with full respect for the human rights of all of its people.

I. Introduction

1. The present report is submitted pursuant to paragraph 6 of General Assembly resolution 63/245, in which the Assembly requested me, inter alia, to continue to provide my good offices and to pursue discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, including democracy and human rights groups and all relevant parties, and to offer technical assistance to the Government in this regard, and to report to the General Assembly at its sixty-fourth session as well as to the Human Rights Council on the progress made in the implementation of the resolution. The report focuses on the good offices dimension of the resolution, covering the period since my previous report (A/63/356), from 25 August 2008 to 25 August 2009.

II. Key developments

2. Immediately prior to the present reporting period, my Special Adviser visited Myanmar from 18 to 23 August 2008. During that and earlier visits, he sought progress on the five-point agenda endorsed by the Group of Friends of the Secretary-General on Myanmar and in the Security Council: (a) the release of all political prisoners, including Daw Aung San Suu Kyi; (b) the need for an all-inclusive, substantive and time-bound dialogue; (c) the need for an all-inclusive and credible process of political transition to civilian and democratic government; (d) avenues for improving socio-economic conditions; and (e) regularizing the good offices process. In letters dated 2, 10 and 23 September 2008, the Government of Myanmar informed my Special Adviser of its proposals to Daw Aung San Suu Kyi to arrange a meeting between her and the Minister for Relations and of her response that she wished to meet with the Minister but not at that time. The Government further wrote that the Myanmar authorities were committed to the policy of national reconciliation and were willing to pursue continued dialogue with Daw Aung San Suu Kyi. On 23 September, the Government announced the release of several political prisoners as part of a broader amnesty. The prisoners included a number of individuals whose release had been urged by my Special Adviser, including the nation's longest serving political prisoner, U Win Tin. On 24 September, I welcomed the releases and urged further releases.

3. On 27 September, I convened and chaired the first high-level meeting of the Group of Friends on Myanmar and, for the first time, issued a press statement summarizing areas of consensus among members of the Group, including (a) providing strong support for my good offices and the work of my Special Adviser; (b) encouraging the Government of Myanmar to work more closely with the good offices process to address key issues of concern to the international community, especially the release of political prisoners, including Daw Aung San Suu Kyi, and the initiation of an all-inclusive dialogue; and (c) encouraging all parties in Myanmar to seize the opportunity provided by the good offices process, while stressing the responsibility of the Government of Myanmar to demonstrate its stated commitment to cooperation through further tangible results.

4. Between September and December 2008, some 400 persons arrested in connection with the demonstrations of August-September 2007 were sentenced to prison terms of between 24 and 65 years for non-violent offences. On 22 October,

my Special Adviser briefed the Third Committee of the General Assembly on the situation in Myanmar and reported, inter alia, that meaningful steps were still awaited from the Myanmar authorities in response to the concerns of the international community, including those regarding the release of political prisoners. On 12 November, I issued a statement expressing my deep concern over the severe prison terms and reiterating my call for all political prisoners to be released as part of an inclusive national reconciliation process.

5. From 31 January to 3 February 2009, my Special Adviser visited Myanmar at the invitation of the Government. He met with Government officials, including the Prime Minister, General Thein Sein, the Ministers of Foreign Affairs, Information, Culture, National Planning and Economic Development, Agriculture and Irrigation, and the Labour Minister in his capacity as Minister for Relations with Daw Aung San Suu Kyi. Separately, my Special Adviser met again with the General Secretary of NLD, Daw Aung San Suu Kyi. At the request of the Special Adviser, Daw Aung San Suu Kyi was permitted for the first time since January 2008 to meet with members of the Central Executive Committee of NLD, including its Chairman, U Aung Shwe. For the first time, the Special Adviser was also able to meet together with both Daw Aung San Suu Kyi and those NLD officials. The Special Adviser also met with other political parties, including the National Unity Party (NUP) and the Shan Nationalities League for Democracy (SNLD). In addition, my Special Adviser visited cyclone-affected areas and met with the Tripartite Core Group established for the coordination of cyclone recovery efforts, the diplomatic corps and the United Nations country team.

6. On 5 February, I issued a statement calling for the resumption of substantive dialogue without preconditions and expressing my willingness to build on my Special Adviser's visits to promote national dialogue and reconciliation through my good offices.

7. On 19 February, the President of the General Assembly issued a statement echoing my call and urging the Government to deliver tangible results in response to the specific suggestions made by my Special Adviser.

8. On 20 February, the United Nationalities Alliance issued a statement rejecting the planned 2010 elections and calling for a tripartite dialogue, the release of political prisoners and a revision of the Constitution. On 26 April, the Karen National Union issued a statement in which it, inter alia, rejected the Government's planned 2010 elections, the Constitution and the manner in which it was adopted.

9. From 14 to 19 February, the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, made his second visit to Myanmar at the invitation of the Government. He met with key relevant Government interlocutors, visited Kayin State, met armed groups, and visited inmates at Hpa-an and Insein prisons. He continued to urge the Government to implement four core human rights elements prior to the 2010 elections: reviewing national legislation in accordance with the new Constitution and international obligations; releasing political prisoners; training in human rights and humanitarian law for the armed forces; and establishing an independent and impartial judiciary. On 11 March, the Special Rapporteur, pursuant to Human Rights Council resolution 8/14, presented his report to the Human Rights Council (A/HRC/10/19). On 27 March, the Human Rights Council passed resolution 10/27 on the situation of human rights in Myanmar, in which, inter alia, it extended the mandate of the Special Rapporteur for one year.

10. On 14 May, Daw Aung San Suu Kyi was taken from her home in Yangon, where she had been held under house arrest since 2003, and put on trial on charges of violating the terms of her house arrest following the intrusion in her house of an American national, John Yettaw, from 3 to 5 May. Her two housemaids were also charged, as was Mr. Yettaw. The Government invited the diplomatic corps to attend the trial proceedings on six occasions, including at the reading of the verdict, and arranged for diplomats from the Russian Federation, Singapore and Thailand to meet once with Daw Aung San Suu Kyi at her place of custody. On 26 May, the Government lifted the house arrest order for Daw Aung San Suu Kyi while holding her in custody for the duration of her trial. The court heard testimony from 23 prosecution witnesses and two defence witnesses, with Daw Aung San Suu Kyi maintaining that she had not broken any law.

11. On 14 May, I issued a statement expressing my grave concern about the arrest of Daw Aung San Suu Kyi, calling her an essential partner for dialogue in the process of national reconciliation, urging the Government not to take any further action that could undermine that process, and reiterating my strong belief that Daw Aung San Suu Kyi and all those who have a contribution to make to the future of their country must be free to do so to ensure that the political process is credible.

12. On 14 and 15 May, respectively, the Special Rapporteur and the United Nations High Commissioner for Human Rights issued statements calling for the immediate release of Daw Aung San Suu Kyi, stating that her continued detention violated national and international law. On 16 June, five special rapporteurs issued a joint statement, stating that the trial had been marred by flagrant violations of substantive and procedural rights and citing opinion No. 46/2008 of the Working Group on Arbitrary Detention that the detention of Daw Aung San Suu Kyi beyond 27 May 2008 violated Myanmar's own laws.

13. On 22 May, the Security Council issued a press statement expressing its concern about the political impact of recent developments relating to Daw Aung San Suu Kyi, reaffirming its Presidential statements of 11 October 2007 and 2 May 2008 and reiterating the importance of the release of all political prisoners. The Security Council reiterated also the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups in order to achieve an inclusive national reconciliation with the support of the United Nations, and affirmed its commitment to the sovereignty and territorial integrity of Myanmar.

14. On 9 June, the Office of the United Nations High Commissioner for Refugees reported an influx of approximately 3,000 refugees from Myanmar into Thailand, coinciding with reports of renewed fighting in eastern border areas.

15. On 26 and 27 June, my Special Adviser visited Myanmar at the invitation of the Government and at my instruction to prepare for my possible return visit to Myanmar. My Special Adviser met twice with the Minister of Foreign Affairs, and also met with the United Nations country team and the dean of the diplomatic corps.

16. On 3 and 4 July, I visited Myanmar for the second time in just over one year at the invitation of the Government. I met twice with the Chairman of the State Peace and Development Council (SPDC), Senior General Than Shwe, together with the SPDC Vice-Chairman, Vice-Senior General Maung Aye, SPDC member General Thura Shwe Mann, the Prime Minister, General Thein Sein, the SPDC Secretary-1,

General Thiha Thura Tin Aung Myint Oo, and the Minister for Foreign Affairs U Nyan Win. I held a working dinner with the Prime Minister, along with other key ministers. I held meetings with representatives of all 10 registered political parties, including those representing ethnic constituencies, as well as NLD, with whom I also met separately. I also met with representatives of seven ceasefire groups. I visited rehabilitation projects in the area affected by Cyclone Nargis and heard a briefing by the Tripartite Core Group. I also gave the first keynote public address of its kind to an audience of several hundred persons in Yangon, including government ministers, diplomats, and representatives of national and international non-governmental organizations and local civil society and community-based organizations. I also met separately with the United Nations country team and United Nations staff.

17. On 8 July, my Special Adviser briefed the Group of Friends on my visit to Myanmar. On 13 July, I briefed the Security Council, at its request, on my visit.

18. On 13 July, the 88 Generation students' group, the All Burma Monks' Alliance and the All Burma Federation of Student Unions issued an open letter to me, supporting my work and calling on me to redouble my efforts. On 7 August, the Movement for Democracy and Rights of Ethnic Nationalities announced a "Proposal for National Reconciliation Towards Democracy and Development in Burma".

19. On 11 August, the court rendered a guilty verdict against Daw Aung San Suu Kyi and sentenced her to three years of hard labour. The Government immediately commuted the sentence to 18 months of house arrest. On the same day, I issued a statement deploring the verdict and urging the Government to immediately and unconditionally release Daw Aung San Suu Kyi as an essential partner for political dialogue, reiterating that unless she and all other political prisoners in Myanmar were released and allowed to participate in free and fair elections, the credibility of the political process would remain in doubt. Statements were also issued by many Member States, including countries in the region. Mr. Yettaw, who was sentenced to seven years of hard labour, was deported on humanitarian grounds on 16 August.

20. In a press statement issued on 13 August, the Security Council reaffirmed its statements of 11 October 2007, 2 May 2008 and 22 May 2009 on Myanmar, and reiterated the importance of the release of all political prisoners, expressed serious concern at the conviction and sentencing of Daw Aung San Suu Kyi and its political impact, noted the decision of the Government of Myanmar to reduce her sentence and urged it to take further measures to create the necessary conditions for a genuine dialogue with her and all concerned parties and ethnic groups in order to achieve an inclusive national reconciliation. The Security Council reiterated also its support for my good offices role and affirmed its commitment to the sovereignty and territorial integrity of Myanmar.

21. In parallel with my engagement and that of my Special Adviser with the Government and other relevant parties in Myanmar, consultations continued with key interested Member States. In addition to the first high-level meeting of my Group of Friends on Myanmar on 27 September 2009, and my Special Adviser's briefings to the Group on 12 September 2008 and 8 July 2009, I convened and chaired three other meetings of the Group on 5 December 2008, and 23 February and 5 August 2009. My Special Adviser briefed the President of the General Assembly on 4 September 2008 and 19 February 2009 and, at its request, the Security Council on 11 September 2008 and 20 February 2009. Separately, the

Special Adviser also held consultations with Government counterparts in Bangkok, Beijing, New Delhi, Singapore and Tokyo. Finally, my Special Adviser continued to engage closely with relevant United Nations bodies and offices on the five-point agenda, including the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and the Economic and Social Commission for Asia and the Pacific.

III. Content and outcome of discussions

22. During his visit to Myanmar from 31 January to 3 February 2009, my Special Adviser emphasized the opportunity for the Government to send positive signals to the international community by taking concrete steps on the five-point agenda in order to enable all key interested Member States to respond accordingly. The Prime Minister reaffirmed that the Government would pursue the points that it could implement. Daw Aung San Suu Kyi and NLD confirmed their acceptance of four of the points, with the exception then of any discussion of elections.

23. In discussions with the Government, my Special Adviser suggested a review of the recent sentencing of individuals in connection with the demonstrations of August-September 2007. The Government explained that this could only be done through the legal appeal channels. The Special Adviser also raised the cases of individuals who could contribute to the political process and whose release on compassionate grounds should be considered. On the part of Daw Aung San Suu Kyi and NLD, the release of all political prisoners and respect for the rule of law remained their primary demand. Subsequently, in a letter dated 23 February addressed to my Special Adviser, the Government informed him that, in follow-up to his visit, 6,313 prisoners had been given amnesty, including some 20 political prisoners whose cases had been discussed during the visit. On 23 February, I issued a statement welcoming the release and urging further releases.

24. The Special Adviser proposed a three-way meeting of the Liaison Minister, Daw Aung San Suu Kyi and himself. Despite the agreement of Daw Aung San Suu Kyi, the Government's decision was to give first priority to building more understanding between the Liaison Minister and Daw Aung San Suu Kyi. The Government reiterated that the door was open to Daw Aung San Suu Kyi, while noting that its attempts to resume dialogue had been rejected by her on two occasions following the Special Adviser's previous visit. The Government noted that Daw Aung San Suu Kyi had not responded to the invitation made by Senior General Than Shwe on 4 October 2007 to personally meet with her if she gave up "her policy of confrontation, utter devastation and sanctions". Daw Aung San Suu Kyi noted that it was the Government which had interrupted the dialogue in February 2008 and reiterated her view that the Liaison Minister did not have sufficient authority to engage meaningfully in dialogue. In that regard, the Special Adviser again encouraged the Government to (a) raise the level of the Government interlocutor with Daw Aung San Suu Kyi, and (b) give further consideration to the proposal made by Daw Aung San Suu Kyi in March 2008 to issue a joint statement of commitment between her and the Government to work together in the national interest with a view to creating conditions conducive to the lifting of sanctions against Myanmar. Subsequently, on 24 February 2009, NLD issued a correction to its special statement No. 2/02/09, in which it stated that:

> "... the issues of 'confrontation', 'utter devastation', 'economic sanction' and 'embargo' are mentioned in paragraph 7 of Statement No. 1/2007 as not beneficial for the country and its people. For that reason, Daw Aung San Suu Kyi had already informed the authorities through the Minister for Relations, that she is ready to cooperate to avoid these matters and to issue statements reached by both sides. Therefore it is declared once again that NLD requests with sincere intention that the two leaders who can make decisions regarding these matters shall unavoidably and practically hold [a] dialogue immediately".

25. The Special Adviser stressed the need for the Government to create conditions conducive to a credible and inclusive process leading to any elections and made specific suggestions to that end, including the possibility of a constitutional review. The Government ruled out a constitutional review, while reiterating its determination to proceed with planned multiparty elections in 2010 as the fifth step in its seven-step road map. The Prime Minister assured the Special Adviser that, once the election laws were adopted, all political parties, including those opposed to the Constitution or to the Government, would be able to participate, and that elections would be held in accordance with international standards. Asked by the Government about the type of electoral assistance that the United Nations could provide, the Special Adviser responded that consideration of any assistance would be based on (a) a formal request from the Government and (b) broad consultations with all stakeholders. The Government responded that, once established, the Electoral Commission would contact the United Nations if there was a requirement for technical assistance. Daw Aung San Suu Kyi and NLD reiterated their rejection of the Constitution and the referendum by which it was adopted and their demand for an inclusive review of the Constitution before discussing elections. At the same time, NLD requested the re-registration of all de-registered political parties and the reopening of its offices throughout the country. The Special Adviser conveyed these requests, with his endorsement, to the authorities.

26. The Special Adviser stressed the positive implications of establishing a broad-based national forum on socio-economic issues. The Government remained non-committal on the proposal while reiterating its demand that sanctions against Myanmar be lifted. At the same time, the Minister of National Planning and Economic Development identified the agricultural, fishery and livestock sectors as priority areas for possible cooperation. Daw Aung San Suu Kyi and NLD expressed interest in principle in a "national economic forum", while seeking further clarification. In a letter dated 19 June 2009 addressed to the Minister of National Planning and Economic Development, and consistent with the invitation extended by the Government, my Special Adviser followed up on the offer he made during his visit to dispatch a working-level mission to Myanmar to discuss the Government's proposed sectoral approach in relation to the national economic forum.

27. Separately, the Special Adviser encouraged the Government to agree to any decision by the Association of Southeast Asian Nations (ASEAN) to extend the mandate of the Tripartite Core Group beyond June 2009 to ensure the effective implementation of the Post-Nargis Recovery and Preparedness Plan. The Government stated that it would take into account the Special Adviser's recommendation. On 27 February, ASEAN Foreign Ministers agreed to extend the mandate of the Tripartite Core Group until July 2010.

28. The Government reiterated its willingness to continue to cooperate with my good offices efforts and invited my Special Adviser's staff to apply for visas to visit Myanmar for specific purposes.

29. At my request, the Special Adviser discussed the possibility of my return visit to Myanmar to address a broad range of issues with the Government and other stakeholders. The Prime Minister in principle welcomed such a visit, depending on the time and the situation. Daw Aung San Suu Kyi and NLD also welcomed such a visit in principle, while stressing the need for all political prisoners to be released.

30. On 29 April, following its first meeting of countrywide representatives since 1997, NLD issued the "Shwegondaing Declaration", in which it reiterated its position on the Government's political road map and called for the unconditional release of all political prisoners; a review of the constitution, the reopening of all NLD offices and those of ethnic nationality parties; recognition "in some way" of the 1990 election results; and a political dialogue. The Declaration further provided that:

> "If SPDC unilaterally [holds the] possible upcoming election [according to its] own plan and if: (1) all the political prisoners, including the leaders of NLD, were unconditionally released, (2) the provisions of the (2008) constitution which are not in accord with the democratic principle were amended [and] (3) all-inclusive and fair general elections were held under international supervision, NLD, through this Shwegondaing Declaration, states that, anticipating [that the election will] benefit the [people as a whole], it intends to participate in the elections only after gravely considering [it] a special case and after studying the coming Party registration Act and the Laws relating to Elections."

31. My Special Adviser visited Myanmar on 26 and 27 June to prepare for my possible visit. During this visit, the Foreign Minister conveyed his Government's agreement to the agenda as including the five-point agenda and humanitarian issues. The Foreign Minister indicated that some progress on the agenda could be expected, but was not in a position to make any commitments in advance. The Foreign Minister conveyed his Government's agreement to the programme proposed by my Special Adviser, except for a meeting with Daw Aug San Suu Kyi. On this point, the Foreign Minister noted that such a meeting might be difficult to arrange owing to her ongoing trial, but advised that I should make this request directly to the Senior General.

32. During my visit on 3 and 4 July, I addressed a broad range of issues of concern with the senior leadership and other interlocutors. In my two meetings with the Chairman of SPDC, Senior General Than Shwe and consultations with the Prime Minister, General Thein Sein, I had frank and extensive discussions on the need for Myanmar to seize the opportunity of my visit to take meaningful positive steps on the five-point agenda and in the humanitarian area. I noted that I had consulted with key interested Member States, including all members of my Group of Friends on Myanmar, who had reiterated their strong support for my personal engagement, expressed an unprecedented degree of goodwill towards Myanmar, and were now watching closely for positive signals from Myanmar in order to be able to respond accordingly. I made it clear that the purpose of my visit was to convey the concerns, expectations and encouragement of the international community and to extend the

assistance of the United Nations to the Government and people of Myanmar in addressing the challenges facing their country.

33. I commended the Government for the progress made in the relief and recovery efforts following Cyclone Nargis, including through the cooperation with the United Nations and ASEAN in the Tripartite Core Group. Expressing my commitment to continue to mobilize international humanitarian assistance, I stressed the need to build on such cooperation, including by ensuring the timely issuance of humanitarian visas and by expanding humanitarian access so that all vulnerable groups throughout the country can be reached without restriction.

34. I noted that peace and security could be affected by underlying socio-economic conditions and emphasized the necessity of finding ways to address development challenges. Noting that the volume of international assistance to Myanmar was very low, I offered to work with all concerned, including on the question of sanctions and restrictions on the work of international financial institutions and the United Nations Development Programme. I invited the senior leadership to step up Myanmar's cooperation with the United Nations in the context of my good offices with a view to identifying and addressing socio-economic needs through a broad-based national process that involves all sectors of society.

35. I reiterated that the democratic transition of Myanmar could not be completed without genuine national reconciliation. I focused on three concerns which, if left unaddressed, could in my view undermine any confidence in the nation's political process, and strongly encouraged the senior leadership to consider positively my specific recommendations. First, I recommended the immediate release of a significant number of political prisoners, including Daw Aung San Suu Kyi, and of all remaining political prisoners by election time, in order to allow them to participate in the political process. I underscored the importance for the Government to consider carefully the implications of Daw Aung San Suu Kyi's trial and its outcome, and strongly recommended that the Government consider exercising its executive prerogative to ensure that all charges against Daw Aung San Suu Kyi be dropped and that she be immediately released. Second, I recommended the commencement, without delay or preconditions, of an all-inclusive, substantive and time-bound dialogue that included Daw Aung San Suu Kyi and NLD, with the support of the United Nations. I also emphasized the need to ensure that any gains achieved through ceasefire agreements be made irreversible by accommodating the concerns of all relevant armed groups. Third, I highlighted the need for the Government's road map, including the planned elections in 2010, to be implemented in an inclusive, participatory and transparent manner so as to gain domestic and international acceptance of the process and its outcome as credible and legitimate. In that regard, I recommended the early announcement of a date for the planned elections, the timely publication of sound election laws, the establishment of an independent electoral commission, the reopening of all NLD offices, and the re-registration of de-registered political parties. I also enquired whether the Government was considering inviting independent electoral observers or requesting technical electoral assistance from the United Nations.

36. I encouraged the senior leadership to consider the establishment of a small presence in Yangon, reporting to me through my Special Adviser, for purposes of liaison and facilitation of communication in the run-up to the elections. I also invited Myanmar to participate for the first time in a meeting of my Group of

Friends to be held at the ministerial level at the margins of the General Assembly in New York in September 2009.

37. I indicated that I looked forward to discussing the above-mentioned issues with as many stakeholders as possible during my visit, including with Daw Aung San Suu Kyi. I strongly encouraged the Senior General to positively consider my request to meet with her and to give careful consideration to the implications of any decision on the matter.

38. The Senior General stated that, as a Member State of the United Nations, Myanmar attached great importance to my visit and to its continued cooperation with the Organization, and expressed its thanks to me for the assistance provided by the United Nations following Cyclone Nargis. The Senior General said that Myanmar recognized that I had consulted with several Member States prior to my visit. Noting that my proposals had been discussed in the course of my Special Adviser's visits, the Senior General did not reject any of my substantive recommendations.

39. The Senior General noted that sanctions against Myanmar had negatively affected the country's development and its ability to deliver on outside demands, and that the international community should express goodwill towards Myanmar in this regard.

40. The Senior General highlighted the two most important current priorities of the Government: the handing over of State power to a civilian Government after the 2010 elections and the laying of the foundation for future social and economic development. The Senior General declared that there should be no doubt about the Government's determination to hold multiparty elections in 2010, and repeatedly stressed that elections would be free, fair, credible and arranged so as to ensure the participation of all. He noted that setting a date for the elections, issuing electoral legislation and establishing an electoral commission were internal matters on which announcements would be made in due course. The question of whether Myanmar might seek United Nations electoral assistance or invite independent observers would be considered in due time, if necessary.

41. The Senior General emphasized the importance of upholding the sovereignty, national unity and territorial integrity of Myanmar. He highlighted the fact that, while some insurgent groups remained, 17 armed groups had made peace with the Government and were concentrating on regional development.

42. The Senior General described past efforts, including his own, in trying to engage directly with Daw Aung San Suu Kyi with a view to including her in the Government's national reconciliation process. He stressed that while such efforts had been unsuccessful, it was not due to a lack of willingness on the part of the Government. He reiterated that the Government's priority at present was to remain focused on the election and the political transition. The Senior General explained that he would have liked to arrange a meeting between Daw Aung San Suu Kyi and myself as requested, but that the judicial process would not allow it as it might be seen to influence the outcome of the ongoing trial.

43. In my meeting with registered political parties, I heard a range of views and concerns, including those of NLD, SNLD, NUP and the Wa National Development Party. SNLD reiterated its demand for the release of all political prisoners, including detained ethnic leaders, and the resumption of an all-inclusive dialogue as

conditions for its participation in elections. NUP reiterated its call on all parties to work towards the success of the 2010 elections and its view that no single party should undermine the seven-step road map. In my separate private meeting with NLD, the League reiterated its demands for the release of all political prisoners, including Daw Aung San Suu Kyi; a dialogue for national reconciliation; resolution, "in any way", of the result of the 1990 election; and a review of the Constitution. NLD explained that it had made proposals to the Government in regard to these demands but that the authorities had not yet responded. In my meeting with ceasefire groups, I heard of their experience in transitioning from armed conflict to ceasefire, the need for development of their regions and their consideration of the Government's proposal to become a border guard force, under the command of the Myanmar Army. In all meetings, I indicated that I had emphasized with the Senior General the need for the political process to be responsive to the legitimate concerns of all stakeholders and that the Senior General had repeatedly indicated that the elections would be free and fair and open to the participation of all parties and groups. I also strongly encouraged all political parties and armed groups to remain constructive in their positions on the political process and in the implementation of ceasefire agreements.

44. Upon being briefed on the outcome of my visit on 8 and 13 July, respectively, members of my Group of Friends and of the Security Council expressed unanimous support for my decision to visit Myanmar, for my personal engagement and the role of my Special Adviser, and for the continuation of my good offices mission. They reiterated their expectation that Myanmar would follow up positively on the recommendations which I had made. Addressing the Security Council, the Permanent Representative of Myanmar to the United Nations announced that his Government viewed my visit as successful and intended to implement all appropriate recommendations. The Permanent Representative stated that, at my request, the Government was preparing to grant amnesty to prisoners on humanitarian grounds and with a view to enabling them to participate in the 2010 elections. The Permanent Representative also stated that, with regard to the national economic forum, the Government would cooperate with the United Nations in the agricultural, livestock and fishery sectors. Regarding the possibility of technical assistance in the elections, Myanmar would cooperate with the United Nations if such assistance were necessary. He reiterated that electoral legislation would be enacted in due time. The Permanent Representative stated that the acceptance by Myanmar of my good offices role and its active cooperation in the process, as well as my second visit to Myanmar in just over one year, were important milestones of cooperation between Myanmar and the United Nations.

45. In a statement dated 9 July and in a letter dated 15 July addressed to me, the Chairman of NLD, U Aung Shwe, presented the programme of NLD for the future, as follows:

(a) Unconditional release of all political prisoners, including U Tin Oo and Daw Aung San Suu Kyi;

(b) Urgently holding the dialogue without preconditions, based on the principles of mutual respect and national reconciliation; the items of the dialogue shall include human rights, equality of opportunities for all nationalities, review of the Constitution (2008), recognition in any way of the People's Parliament which is

the result of the 1990 election, the election of the future and the amelioration of the current living conditions of the people;

(c) Arranging to recognize the result of the 1990 elections by approving the result of the dialogues at the People's Parliament which is to be formed according to the People's Parliament Election Law;

(d) All stakeholders are to follow unitedly the political course for the future delineated by the agreements of the dialogue, as adopted by the People's Parliament for the establishment of the new democratic State.

With regard to the planned 2010 elections, the letter reiterated the NLD position expressed in the Shwegondaing Declaration of 29 April, noting that, based on the experience of the 2008 constitutional referendum, NLD had "grave apprehensions regarding the transparency and fairness of the planned elections" and that if elections were held without meeting the conditions spelled out in the Shwegondaing Declaration, "they will be illegitimate and their result will not be able to resolve the existing political problems". The letter further encouraged me to continue my efforts.

46. In a letter dated 17 July 2009 addressed to my Special Adviser, the Minister of National Planning and Economic Development confirmed that Myanmar would consider the possibility of accepting a working-level mission, as proposed by my Special Adviser.

47. Following my meeting with the Group of Friends on 5 August, I publicly reiterated my expectation, and that of the international community, that the Government of Myanmar would give careful consideration to the implications of any verdict in the trial of Daw Aung San Suu Kyi and use the opportunity to ensure her immediate release, and that the Government of Myanmar would take timely and positive steps in follow-up to the specific proposals I had made during my visit, starting with the release of all political prisoners. I called for continued constructive engagement to help the Government and people of Myanmar address the challenges and opportunities facing the country and for the active and united support of the international community to that end. The members of the Group agreed to my proposal to convene a second high-level meeting of the Group of Friends at the margins of the General Assembly in September 2009.

48. In consultations held throughout the reporting period, including in the Group of Friends, I, along with my Special Adviser, invited key interested Member States to consider ways in which to further encourage Myanmar to cooperate more closely with the good offices process in the implementation of the five-point agenda, and to equip the good offices mission with adequate tools in that regard.

49. In addition to the support expressed by the members of the Group of Friends and of the Security Council for my personal engagement, the continuation of my good offices mission and the role of my Special Adviser, similar support was also expressed by the leaders of the Group of Eight at their summit meeting held in L'Aquila, Italy, on 8 July, and by the Foreign Ministers of ASEAN and the ASEAN Regional Forum at their meetings in Phuket, Thailand, from 20 to 23 July. The latter, inter alia, reaffirmed their view that the United Nations has a crucial role to play in the process of national reconciliation as well as economic and social development in Myanmar, expressed their willingness to continue to engage constructively with and contribute to the economic and social development of

Myanmar and encouraged its Government to make concrete and credible progress towards democratization.

IV. Observations

50. In the coming year, Myanmar stands at an important juncture in its political transition process, as the Government prepares for the first elections in 20 years. This juncture, while likely to be fluid and challenging, also potentially offers important opportunities to promote change towards a peaceful, democratic, prosperous and united Myanmar. It also coincides with a renewed reflection among the international community about the effectiveness of current policies towards Myanmar and a search for more effective ones. My second visit in just over one year thus offered an opportunity to convey to the Government and people of Myanmar the concerns, expectations and encouragements of the international community, and extend the support of the United Nations to addressing the multiple challenges facing the country.

51. As the Government of Myanmar continues to implement its political road map process, it is important to encourage it to take the necessary steps to maximize the opportunities that such a transition may offer in addressing short, medium and long-term challenges facing the country and improving Myanmar's relations with the international community at large. In this context, I am disappointed and concerned that meaningful steps have yet to be taken by the Myanmar Government in follow-up to his visit. Of deepest concern is the trial and sentencing of Daw Aung San Suu Kyi, despite the commutation of her sentence by the Government. These developments are a serious setback to the prospects of genuine national reconciliation, democratic transition and the rule of law in Myanmar and contradict the Government's own commitments in this regard. The Government's failure to release Daw Aung San Suu Kyi is a missed opportunity for Myanmar to signal its commitment to a new era of political openness.

52. I believe that unless three immediate concerns are addressed, the credibility of the political process will remain in doubt: the release of all political prisoners, including Daw Aung San Suu Kyi, and their free participation in the political life of their country; the commencement of dialogue between the Government and opposition and ethnic stakeholders as a necessary part of any national reconciliation process; and the creation of conditions conducive to credible and legitimate elections. Now is the time for the Myanmar Government to address these concerns in order to ensure that the political process serves the interest of all of the people of Myanmar, in a way that is unifying rather than divisive and that is broadly acceptable to the international community. In this regard, I expect that the Government will take the necessary steps consistent with its commitments to ensure that the elections are fully inclusive, participatory and transparent, and are prepared and conducted in accordance with international standards.

53. In addition to the urgent need to open up the political space for all political actors to participate freely in the forthcoming elections, there are equally important medium and long-term issues that require further resolve and commitment, first and foremost by the Government of Myanmar, in cooperation with and with the support of the international community. In this connection, moving from ceasefire agreements with a majority of armed ethnic groups to durable peace is essential for

the future stability of Myanmar. This requires the exercise by both sides of maximum flexibility in negotiations that must be responsive to their respective concerns and interests, including those on the future status of armed groups, addressing of local development needs and curtailment of criminal activities in border areas. Similarly, it is imperative for the Government and those armed ethnic groups still actively fighting to engage in substantive talks leading to the cessation of hostilities, particularly in Kayin and Kayah States in which ongoing reports of armed conflict and associated human rights abuses and humanitarian problems, including large-scale refugee movements, remain of concern to the United Nations. The Organization stands ready to assist Myanmar in addressing these challenges. Opening and broadening the political space is the best way to ensure that each group has a stake in durable peace and stability.

54. Equally important to the prospects of durable peace and democracy is the need to address the pressing humanitarian and socio-economic challenges facing the people of Myanmar. The unprecedented level of cooperation between Myanmar and the United Nations and ASEAN with the support of the donor community in response to Cyclone Nargis has demonstrated that humanitarian imperatives do not conflict with the principles of sovereignty and should never be held hostage to political considerations. While the international community must remain committed to providing humanitarian assistance, the Government has the responsibility to ensure that existing cooperation continues in the best possible conditions and that none of the population in need of assistance, wherever he or she may be, is denied humanitarian access.

55. Unlocking the nation's economic potential and harnessing Myanmar to the rapid advances taking place elsewhere in the region are also essential to overcoming prevalent levels of poverty, raising living standards, promoting social peace and paving the way for broader change. While I welcome the Government's efforts to achieve the Millennium Development Goals, more can and must be done to strengthen the capacity of civilian institutions of governance, including by investing in the country's human resources and enabling civil society and the private sector to participate more fully in the development of the country.

56. As I stressed publicly in my keynote address in Yangon, the engagement of the United Nations in Myanmar is informed by a shared commitment towards its people with the aim of enabling their country to find its place as a responsible and respected member of the international community. While Myanmar has a unique and complex history, the challenges it faces as a country in transition are neither exceptional nor insurmountable. Moreover, Myanmar is no exception to the consensus that there can be no development without peace; no durable peace without sustainable development; and neither peace nor development without democracy and respect for human rights. None of the challenges facing Myanmar today — political, humanitarian, development — can be addressed in isolation and failure to address them with equal attention could undermine the prospects for peace, democracy and development. For these reasons, Myanmar stands to benefit greatly from the wide-ranging experience of the United Nations, including in the areas of governance and peacebuilding. The more Myanmar engages and cooperates meaningfully with my good offices to that end, the more it affirms its sovereignty.

57. In this regard, I note that, throughout the reporting period, increased demands on my good offices were met through a capacity provided in part by extrabudgetary

contributions. I would like to take this opportunity to express my thanks to the European Commission for its financial contributions in support of my good offices. At this important juncture of Myanmar's transition and as part of the broad multidimensional nature of the good offices engagement, the General Assembly should provide adequate resources to the Office of my Special Adviser through 2010. As outlined in my forthcoming report on the financial requirements in respect of good offices missions, sustaining this capacity will be essential to support the effective implementation of the good offices mandate as entrusted to me.

58. My personal engagement in the implementation of the good offices mandate offers the clearest signal of the commitment of the United Nations to work in partnership with the Government and people of Myanmar to address issues that are of fundamental importance to the future of the country. In this regard, I welcome the clear and strong support expressed by the international community for the continuation of my good offices mission and am determined to continue my personal engagement and the work of my Special Adviser in pursuit of the good offices objectives, including in follow-up to the five-point agenda that I discussed with Myanmar's senior leadership. The political transition offers a unique opportunity for positive change and the international community, including the European Union, ASEAN and development actors, should send clear signals to the people of Myanmar that they are not alone and that the international community stands ready to invest in their future, including through ways to support longer-term efforts towards a more open social, political and economic environment and improvements in governance related to peace and economic development. I stand ready to work with all concerned and to mobilize the required support for addressing the full measure of challenges that Myanmar faces.

59. A process of national reconciliation and democratic transition rooted in respect for human rights, dialogue and mutual understanding offers the best prospect for overcoming the nation's twin legacy of political deadlock and armed conflict as a precondition for peace and development. While every stakeholder has a role to play and a responsibility to assume by remaining constructive in the interest of the nation, it is the primary obligation of the Government to live up to the commitments it has made to its people to ensure a genuine transition to democracy and to a peaceful, modern and developed nation. Failure to achieve broad buy-in from the wider population of Myanmar in the political and constitutional transition risks further exacerbating divisions and delaying the prospects of durable peace for all of its people. It is therefore, a time for Myanmar's leaders to make clear and fundamental choices. It is up to them to choose how to respond to the aspirations of their people and to the expectations and encouragement of the international community. I believe that this choice may determine the prospects for peace, democracy and prosperity for the coming generations.

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Report of the Economic and Social Council

Smoke-free United Nations premises

Note by the Secretary-General

The Secretary-General hereby transmits the report on smoke-free United Nations premises, prepared by the World Health Organization in consultation with the Department of Management at Headquarters, offices away from Headquarters and regional commissions.**

* A/64/150.

** The report was received late from the World Health Organization.

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I. Introduction

1. The purpose of the present report is to inform the General Assembly about the implementation of resolution 63/8 on smoke-free United Nations premises, adopted on 3 November 2008.

2. On 27 July 2006, the Economic and Social Council adopted resolution 2006/42, in which it recommended that the General Assembly consider the implementation of a complete ban on smoking at all United Nations indoor premises, at Headquarters as well as at regional and country offices throughout the United Nations system, and the implementation of a complete ban on sales of tobacco products at all United Nations premises. In July 2008, the Economic and Social Council, recalling resolution 2006/42, recommended that the General Assembly, at its sixty-third session, consider the recommendations set out in that resolution (decision 2008/231).

3. Following that recommendation the General Assembly, at its sixty-third session, unanimously adopted resolution 63/8, the operative part of which reads:

> *The General Assembly*,
>
> 1. *Decides* to implement a complete ban on smoking at United Nations Headquarters indoor premises and on sales of tobacco products at United Nations Headquarters premises;
>
> 2. *Recommends* the implementation of a complete ban on smoking at all United Nations indoor premises, including regional and country offices throughout the United Nations system, and the implementation of a complete ban on sales of tobacco products at all United Nations premises;
>
> 3. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fourth session a report on the measures for the implementation of the present resolution.

II. Implementation of the resolution

4. The Secretary-General is fully committed to implementing the resolution on smoke-free United Nations premises. It will be recalled that action on smoke-free United Nations premises was taken at many duty stations as early as 2003, consistent with the principles developed by the World Health Organization on tobacco control as well as applicable local laws. Regrettably, in the past, compliance with the smoking ban at United Nations premises has been uneven among duty stations and was found particularly wanting at United Nations Headquarters in New York.

5. Pursuant to resolution 63/8, the Secretary-General has put in place a comprehensive strategy for smoke-free United Nations premises that informs staff, delegations and visitors to United Nations offices of the complete smoking ban. Given past practice, special measures were designed to strengthen compliance at the United Nations Secretariat compound in New York, where responsibility for implementation rests with the Assistant Secretary-General for Central Support Services. The Directors-General of the United Nations Offices at Geneva, Nairobi and Vienna and the Executive Secretaries of the Regional Commissions for Africa

Asia and the Pacific, Latin America and the Caribbean and Western Asia are responsible for the implementation of the smoking ban at their respective duty stations.

A. United Nations Headquarters

6. To date, the measures set out below have been taken in New York in implementation of resolution 63/8.

7. In November 2008, additional "No Smoking" signs were posted at the building entry points.

8. Effective 1 January 2009, the sale of tobacco products ceased at the premises of the United Nations Secretariat.

9. External smoking areas were set up in the South Courtyard (January 2009), the North Rose Garden (May 2009), both at level 1B of the Conference Building, and on the terrace of the North Delegates Lounge on the 2nd floor of the Secretariat building (July 2009). Additional signs were posted to provide directions from the Vienna Café and the Delegates Lounge to the nearest designated smoking area.

10. A comprehensive information campaign commenced in January 2009 to alert staff, delegations and visitors to the premises of the smoking ban. It benefited from the support of the World Health Organization and included:

- A series of articles on the internal website iSeek that is available at all duty stations and informed staff of the resolution and the health risks associated with smoking
- A memorandum addressed to all Heads of Department and Office that calls on senior management to actively support the implementation of the smoking ban
- A note verbale to all Permanent Missions to the United Nations that provided an update of the measures taken to implement resolution 63/8 and invited delegations to express interest in joining a group of "Friends of smoke-free United Nations premises"
- Posters and informational materials displayed at the Vienna Café and the Delegates Lounge that inform of the resolution and the health risks associated with smoking
- A press briefing by the Under-Secretary-General for Management on 22 July 2009 that updated the media on progress made in the implementation of the resolution.

11. The Medical Service at Headquarters offers a six-week monitored smoking cessation programme with individual follow-up to all United Nations staff and members of delegations. The programme includes provision of nicotine patches, motivational advice, lung function testing, the measuring of blood carbon monoxide levels, and blood pressure monitoring.

12. In addition to ST/SGB/2003/9, which stipulated a no-smoking policy at United Nations Headquarters as early as 2003, an information circular was issued on 10 August 2009 on the no smoking policy at United Nations Headquarters premises (ST/IC/2009/29).

13. The above-mentioned measures will remain in place during the relocation of offices from the United Nations compound in implementation of the capital master plan and also apply to the temporary building that is being erected on the North Lawn.

B. Offices away from Headquarters and at regional commissions

14. The premises of the Economic and Social Commission for Asia and the Pacific (ESCAP) and the ESCAP compound in Bangkok were declared smoke free, effective 12 May 2003. At the time, three partially sheltered smoking areas were designated outside of the buildings and the sale of tobacco products on the premises ceased.

15. The United Nations complex in Nairobi was declared smoke free in November 2004. At the time, several external smoking areas were designated. Information regarding smoking-related health risks is provided to staff. Tobacco products are available at a sales kiosk on the premises and at the commissary.

16. At the Palais des Nations in Geneva, a smoking ban was issued in April 2007. Further to resolution 63/8, the ban was extended to a designated section of the delegates' restaurant where smoking had earlier still been tolerated. The sale of tobacco products ceased in February 2009 in the Palais and all annex buildings. Staff members were informed of these measures by means of two information circulars. The Committee on Health and Safety at the Workplace has recently recommended that appropriate exterior sheltered areas for smokers should be built and the United Nations Office at Geneva is currently identifying funds for this activity. A smoking cessation programme is available at the Medical Service, which also disseminates information material on smoking-related health risks. Additional outreach activities are under consideration.

17. The premises of the Economic Commission for Western Asia in Beirut were declared smoke free as from 1 December 2008, when some remaining areas where smoking had been permitted, including the staff cafeteria, were reclassified as non-smoking areas and external smoking areas were designated. Information on the health-related risks of smoking, was distributed, and staff members were advised that the smoking ban will be strictly enforced and that non-compliance may trigger administrative action.

18. At the United Nations Office at Vienna and the United Nations Office on Drugs and Crime, instructions on the implementation of resolution 63/8 were circulated early in 2009 and staff members were advised of the smoke cessation programme offered by the Medical Service. The Vienna International Centre was declared smoke free, and designated smoking areas were established outside the building and in specifically marked enclosed areas that are ventilated separately. While tobacco products are not sold in the public areas of the Vienna International Centre, they are available in the commissary, which is located in the basement of the building and is administered by the International Atomic Energy Agency.

19. The compound of the Economic Commission for Africa in Addis Ababa was declared smoke free early in 2009, and an information circular on the smoking ban was issued to the staff of all United Nations agencies sharing the premises. Additional "No Smoking" signs were placed in the buildings, and some external areas of the compound were informally designated as smoking areas. The United

Nations Health Care Centre is planning a non-smoking awareness campaign. As in 2008, a "non-smoking" day and an interactive debate on the subject will again be part of the programme, which it will also include blood pressure monitoring. Additional incentives for staff members to refrain from smoking are under consideration, together with outreach activities that warn of the health-related risks associated with smoking.

20. The premises of the Economic Commission for Latin America and the Caribbean in Santiago were declared smoke free in August 2009, and the remaining interior smoking area was to be closed at the end of the month. External smoking areas have been designated. Currently, a kiosk on the premises that is operated by an outside contractor still sells cigarettes. The bidding process for a new kiosk/gift shop is under way and, under the new terms of the contract, the sale of tobacco products will no longer be permitted. The Medical Service offers smoking cessation programmes, and a poster campaign is under way that aims to raise awareness of smoking-related health risks.

III. Conclusion

21. The Secretary-General has received positive feedback from representatives of Member States and staff members in support of the measures taken to create a smoke-free environment at the Organization. Many colleagues are willing to do their share and have offered to reach out to others and remind them of the ban. Senior United Nations officials have taken a personal interest in the implementation of the General Assembly resolution.

22. The Secretary-General is mindful, however, that additional rules and information can only create an enabling environment. It takes personal commitment and a sense of responsibility for oneself and the well-being of others to fully implement the resolution. It is in this spirit that the Secretary-General calls on all staff, delegations and visitors to the United Nations premises to respect their own health and that of others and refrain from smoking on the premises.